

# **EXHIBIT 23**

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3                                 -   -   -  
4           RICHARD KATZ,                         : NO. 3:15-cv-1187  
5                                 Plaintiff,                         :  
6   :  
7                                 V.                         :  
8   :  
9           NATIONAL BOARD OF                         :  
10           MEDICAL EXAMINERS and:                         :  
11           FEDERATION OF STATE                         :  
12           MEDICAL BOARDS,                         :  
13                                 Defendants.                         :  
14                                 -   -   -

15                                 February 9, 2016  
16                                 -   -   -

17                                 Oral deposition of RICHARD  
18           KATZ, M.D., M.H.A., held at Holiday Inn &  
19           Suites, 1863 West Main Street,  
20           Stroudsburg, Pennsylvania 18360,  
21           commencing at 9:08 a.m., on the above  
22           date, before Margaret Peoples, a  
23           Registered Professional Reporter and  
24           Notary Public in and for the States of  
                               Pennsylvania, New York and Connecticut.

                               -   -   -  
                               GOLKOW TECHNOLOGIES, INC.  
                               877.370.3377 ph | 917.591.5672 fax  
                               deps@golkow.com

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S :  2 HAMBURG &amp; GOLDEN, P.C.  BY: MICHAEL E. SACKS, ESQUIRE  3 1601 Market Street  Suite 3310  4 Philadelphia, Pennsylvania 19103  (215) 255-8590  5 sacksme@hamburg-golden.com  Counsel for the Defendants  6  7 - - -  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>	<p style="text-align: right;">Page 4</p> <p>1  2 DEPOSITION SUPPORT INDEX  3  4 Direction to Witness Not To Answer  Page Line Page Line  None  5  6  7  8  9 Request For Production of Documents  Page Line Page Line  53 22  10 54 21  11 102 24  12 154 24  13  14 Stipulations  Page Line Page Line  None  15  16  17  18 Questions Marked  Page Line Page Line  None  19  20  21  22  23  24</p>
<p style="text-align: right;">Page 3</p> <p>1 - - -  2 I N D E X  3 WITNESS PAGE NO.  4 RICHARD KATZ, M.D., M.H.A.  5 By Mr. Sacks 5  6  7  8 - - -  9 E X H I B I T S  10 NO. DESCRIPTION PAGE NO.  11 19* Curriculum Vitae 252  12  13  14 *(Retained by Attorney Sacks)  15  16 - - -  17  18  19  20  21  22  23  24</p>	<p style="text-align: right;">Page 5</p> <p>1 - - -  2 RICHARD KATZ, M.D., M.H.A.  3 after having been duly sworn,  4 was examined and testified as  5 follows:  6 - - -  7 EXAMINATION  8 - - -  9 BY MR. SACKS:  10 Q. Mr. Katz, my name is Michael  11 Sacks. We have spoken on the phone  12 several times actually over the last  13 several months, but this is the first  14 time we're meeting today; correct?  15 A. Yes. Correct.  16 Q. So, let me just go through a  17 few things that I say generally at the  18 outset of any deposition.  19 First of all, there's a  20 court reporter here today, Margaret, who  21 is going to be taking down verbatim all  22 of the questions and all of the answers.  23 Do you understand?  24 A. Yes.</p>

<p style="text-align: right;">Page 6</p> <p>1 Q. So, you have to answer 2 questions orally rather than just a nod 3 of the head or a shake of the shoulders 4 or whatever, just so that the court 5 reporter can get a clear answer. Is that 6 fair?</p> <p>7 A. Yes.</p> <p>8 Q. If you need a break at any 9 point, just say so.</p> <p>10 A. Okay.</p> <p>11 Q. This is not an endurance 12 test. If you need to go to the bathroom 13 or just take a walk or whatever it is, 14 just let me know and we'll stop and you 15 can take a break.</p> <p>16 A. Okay.</p> <p>17 Q. And similarly, I may take a 18 break.</p> <p>19 A. Okay.</p> <p>20 Q. I'm notorious for needing 21 bathroom breaks.</p> <p>22 Have you ever had your 23 deposition taken before?</p> <p>24 A. Never.</p>	<p style="text-align: right;">Page 8</p> <p>1 the main psychotropics. I'm also on 2 asthma medications and other things that 3 won't affect this testimony.</p> <p>4 Q. Okay. So, lithium is a 5 medication for bipolar --</p> <p>6 A. Yes.</p> <p>7 Q. -- disorder?</p> <p>8 A. It's a mood stabilizer.</p> <p>9 Q. One more of the rules I 10 forgot to mention is, let me finish my 11 question before you start to --</p> <p>12 A. Absolutely.</p> <p>13 Q. -- answer just so the court 14 reporter can take down my question before 15 your answer. Okay. It's artificial 16 because in common conversations, we speak 17 over one another.</p> <p>18 A. I'm just --</p> <p>19 Q. But for the court reporter's 20 sake.</p> <p>21 So Seroquel, what was that 22 one, what is that for?</p> <p>23 A. That's antipsychotic.</p> <p>24 Q. What was the third one?</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Have you ever given 2 testimony under oath in any kind of 3 proceeding?</p> <p>4 A. Never.</p> <p>5 Q. Are you on any medications 6 today?</p> <p>7 A. I am.</p> <p>8 Q. Are you on any medications 9 that would interfere with your ability to 10 understand my questions and respond 11 truthfully to my questions?</p> <p>12 A. I don't see a problem, but 13 I'm on psychotropic medications. There 14 are certain symptoms, like dry mouth and 15 things like that, that can possibly 16 interfere and I may need water at times.</p> <p>17 But in terms of 18 understanding the question, I think I'm 19 coherent, but I don't know what residual 20 effects those medications could have.</p> <p>21 Q. What are the medications 22 that you're on?</p> <p>23 A. I'm on lithium, Seroquel, 24 duloxetine. Those are the psychotropics,</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Duloxetine or Cymbalta.</p> <p>2 Q. Tolox --</p> <p>3 A. Duloxetine.</p> <p>4 Q. Duloxetine</p> <p>5 A. That's the generic name.</p> <p>6 Q. Also the --</p> <p>7 A. Cymbalta.</p> <p>8 Q. What is that one?</p> <p>9 A. That's an antidepressant.</p> <p>10 Q. And how long have you been 11 on each of these medications?</p> <p>12 A. Since March of 2013.</p> <p>13 Q. All three?</p> <p>14 A. Correct.</p> <p>15 Q. And would you say that your 16 medications are stabilized in terms of 17 the level of each one?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know the milligrams, 20 the dosage of each one?</p> <p>21 A. Yes.</p> <p>22 Q. What are they, for lithium?</p> <p>23 A. Lithium is 300 milligrams.</p> <p>24 Q. Once a day?</p>

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<p>1 A. Twice a day.</p> <p>2 Q. What about Seroquel?</p> <p>3 A. 400 milligrams at night.</p> <p>4 Q. And how about duloxetine?</p> <p>5 A. 60 milligrams once a day.</p> <p>6 Q. Do the medications slow down</p> <p>7 your thinking at all?</p> <p>8 A. At times, yeah.</p> <p>9 Q. And can you tell when that</p> <p>10 is happening?</p> <p>11 A. Yeah. I mean, I think I</p> <p>12 kind of cycle sometimes. Sometimes like</p> <p>13 I come in and out, but it's hard to say</p> <p>14 if it's the mental illness or the</p> <p>15 medication.</p> <p>16 Q. And does that happen on a</p> <p>17 daily basis?</p> <p>18 A. I would -- yes. Yeah.</p> <p>19 Q. And you said it's hard to</p> <p>20 distinguish whether that's from the</p> <p>21 medication or the illness itself?</p> <p>22 A. Depression slows you down.</p> <p>23 Yeah.</p> <p>24 Q. So in your view, is it</p>	<p>1 question to answer. There is a certain</p> <p>2 amount of psychomotor retardation that</p> <p>3 accompanies depression and that's just a</p> <p>4 side effect of depression. Everybody</p> <p>5 that has depression has a general slowing</p> <p>6 down.</p> <p>7 Q. And when you say</p> <p>8 "psychomotor," do you include in that the</p> <p>9 process of thinking?</p> <p>10 A. Oh, yeah. Yeah. Yes.</p> <p>11 Q. Let me ask some questions</p> <p>12 about your background. You have a bit of</p> <p>13 a New York accent.</p> <p>14 A. Correct.</p> <p>15 Q. Were you born in New York</p> <p>16 City?</p> <p>17 A. I was. Queens, New York.</p> <p>18 Q. How long did you live there?</p> <p>19 I mean, until when did you change your</p> <p>20 address on a permanent basis?</p> <p>21 A. I changed my address on a</p> <p>22 permanent -- I was there throughout</p> <p>23 college. When I left medical school is</p> <p>24 when I left New York. So that was around</p>
Page 11	Page 13
<p>1 primarily the depression that slows down</p> <p>2 your thinking or the depression or the</p> <p>3 medications for depression, or some</p> <p>4 combination of the medications if it's</p> <p>5 the medications?</p> <p>6 A. I would say it's the -- it's</p> <p>7 probably the mental illness that slows me</p> <p>8 down because it's like a -- just a</p> <p>9 generally slowing when you have</p> <p>10 depression, it's like everything slows</p> <p>11 down, you know.</p> <p>12 Q. And have you experimented,</p> <p>13 and I don't mean yourself, but with your</p> <p>14 doctors in terms of dosages of medication</p> <p>15 to gain a greater control over the</p> <p>16 depression?</p> <p>17 A. I think this is the</p> <p>18 baseline. I think this is the best I'm</p> <p>19 going to get. I have improved</p> <p>20 considerably.</p> <p>21 Q. So, the best that you can</p> <p>22 get even with medication, you still have</p> <p>23 a slowness of your thinking?</p> <p>24 A. That's a very difficult</p>	<p>1 2000.</p> <p>2 Q. Do you have any siblings?</p> <p>3 A. I do.</p> <p>4 Q. Who is that?</p> <p>5 A. I have an older brother.</p> <p>6 Q. Where is he?</p> <p>7 A. He is New Jersey.</p> <p>8 Q. Does he suffer from mental</p> <p>9 illness?</p> <p>10 A. He does.</p> <p>11 Q. Of what kind?</p> <p>12 A. He has depression.</p> <p>13 Q. Is he treated for that?</p> <p>14 A. Yes.</p> <p>15 Q. Has he ever been diagnosed</p> <p>16 with a bipolar disease, bipolar disorder?</p> <p>17 A. Not formally.</p> <p>18 Q. Do you believe he has</p> <p>19 bipolar disorder?</p> <p>20 A. I think he has a mood</p> <p>21 disorder.</p> <p>22 Q. Does your brother work?</p> <p>23 A. He does.</p> <p>24 Q. What does he do for a</p>

<p style="text-align: right;">Page 14</p> <p>1 living?</p> <p>2 A. He works for Airborne</p> <p>3 Express.</p> <p>4 DHL. I'm sorry, DHL.</p> <p>5 Q. So you grew up in Queens?</p> <p>6 A. I did.</p> <p>7 Q. And did you attend public</p> <p>8 school?</p> <p>9 A. I did.</p> <p>10 Q. I saw a reference to what</p> <p>11 looked like a Catholic school.</p> <p>12 A. Yes.</p> <p>13 Q. At some point, did you</p> <p>14 attend Catholic school?</p> <p>15 A. For two years, for 7th and</p> <p>16 8th grade.</p> <p>17 Q. And what was the name of</p> <p>18 your elementary school?</p> <p>19 A. PS 90 Horace Mann.</p> <p>20 Q. In Queens?</p> <p>21 A. Yes. Richmond Hill.</p> <p>22 Q. And after PS 90, did you</p> <p>23 then attend Catholic school?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. What was that?</p> <p>2 A. Well, I had a speech</p> <p>3 impediment, a speak problem. I also had</p> <p>4 a seizure disorder. They would pull me</p> <p>5 out of class to help me with the -- there</p> <p>6 were certain consonants I had trouble</p> <p>7 with.</p> <p>8 Like if I were to say -- I'm</p> <p>9 trying to think of -- like if I went to</p> <p>10 say shovel, I would slur and say</p> <p>11 "slhovel" [ph].</p> <p>12 If I were to say -- if</p> <p>13 somebody's name was Charlie, I would say</p> <p>14 kah [enunciating/ph] Charlie. If I were</p> <p>15 to say the word tree, I would slur and</p> <p>16 say kah [enunciating/ph] tree.</p> <p>17 So there was like this</p> <p>18 slurring on the left side.</p> <p>19 I also would have seizures</p> <p>20 on that side. So there was some inherent</p> <p>21 thing that was probably wired into me</p> <p>22 genetically. I don't know where it came</p> <p>23 from, but I would have seizures.</p> <p>24 Q. So, to your knowledge, did</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. What was the name of that</p> <p>2 school?</p> <p>3 A. Holy Child Jesus.</p> <p>4 Q. Why did you switch to</p> <p>5 Catholic school?</p> <p>6 A. Convenience. It was across</p> <p>7 the street from my house and no buses</p> <p>8 involved to go to the junior high school</p> <p>9 that everybody else was going to.</p> <p>10 Q. Did you eventually go to the</p> <p>11 junior high school?</p> <p>12 A. No.</p> <p>13 Q. So 7th and 8th grades. Was</p> <p>14 the junior high school similarly 7th and</p> <p>15 8th grades?</p> <p>16 A. Yes.</p> <p>17 Q. During the time that you</p> <p>18 were in elementary school at PS 90, did</p> <p>19 you ever have special classes, special</p> <p>20 accommodations for --</p> <p>21 A. Yes.</p> <p>22 Q. -- any kind of academic</p> <p>23 difficulty?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 the speaking disorder interfere with your</p> <p>2 academic abilities?</p> <p>3 A. I believe it hurt the</p> <p>4 communication process of conveyance,</p> <p>5 conveying your point to the instructor.</p> <p>6 Kids would laugh. You know, it was --</p> <p>7 I remember one time I had a</p> <p>8 seizure in the middle of fourth grade and</p> <p>9 they thought I was like the class clown.</p> <p>10 And I heard everybody, because I would</p> <p>11 still be coherent when I was having the</p> <p>12 seizure, everybody was laughing. So</p> <p>13 there was a certain amount of</p> <p>14 embarrassment to all of that.</p> <p>15 Q. What I'm getting at is your</p> <p>16 ability to process information, to</p> <p>17 understand material that was being</p> <p>18 taught, the ability to do written work.</p> <p>19 Did --</p> <p>20 A. I struggled. I had a very</p> <p>21 porous memory. I was very creative, but</p> <p>22 I struggled with the academics.</p> <p>23 Q. My question was, did you</p> <p>24 ever have any kind of accommodation for</p>

<p style="text-align: right;">Page 18</p> <p>1 that?</p> <p>2 A. Besides the speech,</p> <p>3 intervention to help me with that</p> <p>4 problem, I don't recall any further</p> <p>5 intervention.</p> <p>6 Q. Did any psychologist ever do</p> <p>7 any testing during elementary school and</p> <p>8 arrive at some kind of diagnosis about</p> <p>9 your academic or cognitive abilities?</p> <p>10 A. Besides the national tests</p> <p>11 that were administered from the school, I</p> <p>12 don't believe there was any other</p> <p>13 intervention other than New York</p> <p>14 Hospital, the New York Hospital which is</p> <p>15 now Rockefeller, who did a series of</p> <p>16 testing for the seizure disorder to see</p> <p>17 if there was any residual deficits</p> <p>18 because of that.</p> <p>19 But those records are not</p> <p>20 found other than the one file, the one</p> <p>21 record that I submitted to the Court.</p> <p>22 Q. So if I understand your</p> <p>23 answer, other than standardized testing</p> <p>24 that everybody had and other than being</p>	<p style="text-align: right;">Page 20</p> <p>1 stimulating classmates.</p> <p>2 Q. So was it actually a</p> <p>3 separate classroom?</p> <p>4 A. It was -- each class was</p> <p>5 broken up into -- like you had three 6</p> <p>6 grade classes, let's say. One was gifted</p> <p>7 and two -- one was like medium</p> <p>8 functioning and one was lowering</p> <p>9 functioning. That was my take on it.</p> <p>10 Q. So they actually separated</p> <p>11 kids that way?</p> <p>12 A. Back then, yes, I think they</p> <p>13 probably did.</p> <p>14 Q. Did you have any difficulty</p> <p>15 keeping up with the work --</p> <p>16 A. I did.</p> <p>17 Q. -- of the gifted class?</p> <p>18 A. I did. And I had a certain</p> <p>19 nervousness that I would never -- I</p> <p>20 wouldn't, like from 4th grade to 5th</p> <p>21 grade to 6th grade that I wouldn't be</p> <p>22 able to continue with my classmates that</p> <p>23 I made friends with that I wouldn't keep</p> <p>24 up with the requirements.</p>
<p style="text-align: right;">Page 19</p> <p>1 tested at the hospital for the seizure</p> <p>2 disorder, you are not aware of any</p> <p>3 testing done by any psychologist</p> <p>4 specifically regarding your intellectual</p> <p>5 capabilities?</p> <p>6 A. I don't recall ever having</p> <p>7 testing for cognitive. It could have</p> <p>8 been done, but I don't have recollection</p> <p>9 of it.</p> <p>10 Q. And when you were at PS 90,</p> <p>11 you weren't in quote/unquote special</p> <p>12 education classes?</p> <p>13 A. On the contrary because of</p> <p>14 my artistic capabilities, I was in gifted</p> <p>15 classes.</p> <p>16 Q. What does that entail being</p> <p>17 in gifted classes?</p> <p>18 A. I believe there was more</p> <p>19 creative expression. I was allowed to be</p> <p>20 more apt with building that right side of</p> <p>21 my brain kind of thing. You know, the</p> <p>22 right brain/left brain. I think that it</p> <p>23 was more kind of a nurturing environment</p> <p>24 where you're surrounded by more</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. But you did keep up with the</p> <p>2 requirements?</p> <p>3 A. They passed you through.</p> <p>4 You know how the public school system is,</p> <p>5 they kind of pass you through.</p> <p>6 Q. And it's my understanding</p> <p>7 from materials that you have provided to</p> <p>8 the Court or to the National Board at</p> <p>9 some point that you've tried to locate</p> <p>10 records from the elementary school and</p> <p>11 you were not successful.</p> <p>12 A. That's correct.</p> <p>13 Q. The next school you went to</p> <p>14 was Holy Child Jesus --</p> <p>15 A. Correct.</p> <p>16 Q. -- for 7th and 8th grade.</p> <p>17 A. Yes.</p> <p>18 Q. And the same questions,</p> <p>19 were you separated out into gifted --</p> <p>20 A. No.</p> <p>21 Q. -- or not gifted? Again,</p> <p>22 I'm going to remind you to let me finish</p> <p>23 my question.</p> <p>24 A. I'm sorry.</p>



<p style="text-align: right;">Page 22</p> <p>1 Q. That's all right. The 2 answer was "no?" 3 A. No. 4 Q. And were you able to keep up 5 with your peers at Holy Child Jesus? 6 A. In certain classes I 7 struggled. 8 Q. Were there any interventions 9 to accommodate you? 10 A. From whom are you referring? 11 Q. From school. 12 A. Not really. 13 Q. From anybody else? 14 A. Like my parents? 15 Q. Yes. 16 A. They were preoccupied with 17 their own issues and problems and I 18 didn't really get the support I probably 19 needed. 20 Q. Did you continue receiving 21 speech therapy at Holy Child Jesus? 22 A. No. It was corrected by the 23 time I left PS 90. The speech therapist 24 would hold a mirror in front of me and</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. And obviously that was an 2 art-focused high school? 3 A. Correct. 4 Q. And did you have any special 5 accommodations in terms of your 6 academic -- 7 A. The special -- 8 Q. -- classes there? 9 A. I'm sorry I interrupted. 10 The special accommodation 11 was that if you were going to have a 12 vocation in the art world, in the art 13 field as an illustrator, as a commercial 14 artist, they allowed you to drop math and 15 science in the 10th grade. That was the 16 accommodation. 17 Q. But that was the same for 18 everybody, wasn't it? 19 A. If you wanted to drop it, 20 yeah. But if you wanted to pursue the 21 academic course and you're an 22 academician, then it was available to 23 you. 24 Q. So, again, though, that was</p>
<p style="text-align: right;">Page 23</p> <p>1 see that I was actually slurring and she 2 kind of corrected it that way. And by 3 the time I left there, I was talking 4 normally. 5 Q. And did the seizure disorder 6 eventually resolve itself? 7 A. It did. 8 Q. Did it resolve itself 9 through medication or -- 10 A. Yes. I was on 11 phenobarbital. 12 Q. Did you have to continue on 13 phenobarbital forever or did that stop? 14 A. I think right around the 15 time I was in Holy Child, it kind of 16 fizzled out. The doctors thought let's 17 see how he does off of it. 18 Q. And the seizure disorder did 19 not return? 20 A. Subsided. 21 Q. Where did you go after 8th 22 grade? 23 A. The High School of Art and 24 Design in Manhattan.</p>	<p style="text-align: right;">Page 25</p> <p>1 the same for all students, not just you, 2 that if one wanted to pursue math and 3 science, one could. But if one wanted -- 4 A. Right. It was the nature of 5 the high school. 6 Q. Let me finish the 7 question -- 8 A. I'm sorry. 9 Q. -- again for the court 10 reporter's sake. 11 So based on the nature of 12 the high school, one could either 13 continue with academic courses like math 14 and science or one could drop them and 15 just pursue art? 16 A. Correct. 17 Q. And did you drop those math 18 and science courses and just pursue art? 19 A. I did. 20 Q. So, you didn't take math or 21 science after what grade? 22 A. 10th grade. 23 Q. After 10th grade? 24 A. Yeah.</p>



<p style="text-align: right;">Page 26</p> <p>1 Q. In 9th and 10th grade, how 2 was your performance in math and science? 3 A. I struggled. 4 Q. Were you in a standard 5 curriculum -- 6 A. Standard. 7 Q. -- or advanced curriculum? 8 A. Standard. 9 Q. Or a substandard curriculum? 10 A. Standard. 11 Q. And in math and science in 12 9th grade, do you recall what your grades 13 were? 14 A. Borderline. 65, 70s. I 15 think I actually failed and had to go to 16 summer school one semester. 17 Q. We're talking about 9th 18 grade now. 19 A. Yeah. I think it was the 20 second sequential math 2 I failed and I 21 had to go to summer school. 22 Q. And how about in science 23 courses in 9th grade? 24 A. 75s.</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I don't think I excelled, 2 but I got through. 3 Q. You don't remember whether 4 it was a 70 or a 60 or an 80? 5 A. It could have been a 75 6 to -- maybe 75. 7 Q. And what about the non, what 8 I'll call, quantitative courses, like 9 English, reading, foreign language if 10 there was a foreign language, those types 11 of courses. How did you do in those 12 courses in 9th grade? 13 A. I remember English I had 14 trouble reading. I wasn't a fast reader. 15 My reading comprehension probably wasn't 16 where it was supposed to be at that 17 level. 18 Q. Were there any interventions 19 or accommodations for that? 20 A. From whom are you referring? 21 Q. From the school. 22 A. I don't recall a school 23 psychologist being very prevalent in the 24 High School of Art and Design. I'm not</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. What was the course, do you 2 remember? Was it like biology? 3 A. Yeah, biology. 4 Q. And did you only get number 5 grades rather than letter grades? 6 A. Yeah. It was just numbers. 7 Q. So, again, in biology you 8 were in the 75 range? 9 A. Yes. 10 Q. Is that approximate? 11 A. Yes. 12 Q. And in math, in 9th grade, 13 in the second semester you think you 14 failed it? 15 A. I did. I don't think. I 16 did fail. 17 Q. And then you took summer 18 school -- 19 A. I did. 20 Q. -- and repeat the course? 21 A. I did. 22 Q. And then how did you do? 23 A. I did okay. I did well. 24 Q. Meaning?</p>	<p style="text-align: right;">Page 29</p> <p>1 sure they had such services. 2 Q. But you passed, is that 3 fair? 4 A. I passed English. Yes. 5 Q. Let's try 10th grade. In 6 10th grade how did you do in English 7 courses, language courses? 8 A. I think about the same. You 9 want a number grade? 10 Q. If you remember. 11 A. I'm thinking probably around 12 75. 13 Q. And how about math? 14 A. Probably around 70. 15 Q. Did you fail math in 10th 16 grade? 17 A. I don't believe so because I 18 think I dropped it in 10th grade, at the 19 end of 10th grade. Up until the end of 20 10th grade, I was doing okay. 21 Q. And would that be like 22 algebra, geometry? 23 A. Yes. They called it 24 sequential.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. But you didn't get into 2 trigonometry -- 3 A. No. 4 Q. -- calculus? 5 A. No. 6 Q. Am I correct that later in 7 your career you had to take trigonometry 8 and calculus? 9 A. Correct. 10 Q. We'll come back to that. 11 What science course did you 12 take in 10th grade? 13 A. I think it was just biology. 14 I think there was some general chemistry, 15 too. 16 Q. And how did you do in 17 science? 18 A. 75. 19 Q. And that was a standard 20 curriculum? 21 A. It was. 22 Q. You said you stopped taking 23 science and math after 10th grade? 24 A. Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 the National Board? 2 A. Correct. 3 MR. SACKS: Off the record. 4 - - - 5 (Whereupon, a discussion 6 was held off the record.) 7 - - - 8 BY MR. SACKS: 9 Q. So at the High School of Art 10 and Design, if I understand correctly, 11 there were no accommodations for you as 12 we think of accommodations today for 13 disability? 14 A. Accommodations, there were 15 none because there was essentially an art 16 curriculum which I kind of really 17 excelled at and I was able to do away 18 with the academics, which I never really 19 the proper application because it wasn't 20 instilled in me to have that because I 21 struggled. So one tends to relinquish 22 what it doesn't excel at. And I excelled 23 at art. I was gifted. 24 Q. So, fair to say, you always</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Is it correct that you did 2 not take science or math again until 3 after you completed college? 4 A. That's correct. 5 Q. By the way, is the High 6 School of Art and Design still there? 7 A. Currently a Whole Foods, I 8 believe, making big luxury condos. 9 Q. In gathering your records to 10 submit to the National Board of Medical 11 Examiners, did you try to get records 12 from the High School of Art and Design? 13 A. Yeah. I actually went there 14 before they closed. 15 Q. Okay. And did you find any 16 records? 17 A. Not many, no. 18 Q. The records that you did 19 find, did you submit them? 20 A. I submitted everything that 21 I had. 22 Q. Every single piece of paper? 23 A. Absolutely. 24 Q. And that was submitted to</p>	<p style="text-align: right;">Page 33</p> <p>1 struggled with math and science? 2 A. I struggled academically my 3 whole life. 4 Q. Have you ever served in the 5 military? 6 A. Never. 7 Q. Have you ever been arrested? 8 A. Never. 9 Q. Have you ever been involved 10 in a lawsuit other than this lawsuit? 11 A. Never. 12 Q. Have you ever filed any 13 claims or charges like discrimination 14 charges at any other time other than 15 this -- 16 A. Never. 17 Q. -- case? 18 A. Never. 19 Q. Has anyone ever sued you? 20 A. Never. 21 Q. Has anyone ever asked for a 22 restraining order or protection from 23 abuse -- 24 A. Never.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. -- order against you?</p> <p>2 A. Never.</p> <p>3 Q. So is this case the first</p> <p>4 case in which you have ever been involved</p> <p>5 in the court system in any way?</p> <p>6 A. Yes. And as a pro se</p> <p>7 representative of my own neophyte</p> <p>8 attorney skills.</p> <p>9 Q. Who do you live with now?</p> <p>10 A. I live with my wife and my</p> <p>11 mother.</p> <p>12 Q. And when did you get</p> <p>13 married?</p> <p>14 A. In 2008, August.</p> <p>15 Q. What is your wife's name?</p> <p>16 A. Lorena. L-O-R-E-N-A.</p> <p>17 Q. Does she go by Katz?</p> <p>18 A. Afanador Katz.</p> <p>19 Q. Fantaor?</p> <p>20 A. A-F-A-N-A-D-O-R.</p> <p>21 Q. And you also live with your</p> <p>22 mother?</p> <p>23 A. Correct.</p> <p>24 Q. What is your mother's name?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. So Northampton Community</p> <p>2 College?</p> <p>3 A. Correct.</p> <p>4 Q. Is that essentially a</p> <p>5 daycare center --</p> <p>6 A. For --</p> <p>7 Q. -- for people who work --</p> <p>8 A. Or students who have babies.</p> <p>9 Q. And what is her position</p> <p>10 there?</p> <p>11 A. She works with the infants.</p> <p>12 She's an infant teacher.</p> <p>13 Q. Do you have any children?</p> <p>14 A. No. We -- my wife had a</p> <p>15 miscarriage when I got out of the</p> <p>16 hospital, psychiatric unit. I don't know</p> <p>17 if it was the stress or she lost the</p> <p>18 baby.</p> <p>19 Q. No children?</p> <p>20 A. No.</p> <p>21 Q. Have you lived with your</p> <p>22 mother throughout the time you have been</p> <p>23 married?</p> <p>24 A. No. No.</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Kathleen Katz.</p> <p>2 Q. With a C or K?</p> <p>3 A. With a K.</p> <p>4 Q. Does your mother work?</p> <p>5 A. She's retired.</p> <p>6 Q. What did she do --</p> <p>7 A. On Social Security.</p> <p>8 Q. What did she do before?</p> <p>9 A. She worked for a company</p> <p>10 that provided the laundry machines for</p> <p>11 laundromats. She was like the</p> <p>12 salesperson, like a gal Friday kind of,</p> <p>13 like a secretary.</p> <p>14 Q. What was the name of that?</p> <p>15 A. Laundry Center. That was</p> <p>16 located in Woodside, Queens. I think</p> <p>17 it's still there actually.</p> <p>18 Q. And how about your wife,</p> <p>19 Lorena, does she work?</p> <p>20 A. She does.</p> <p>21 Q. What does she do?</p> <p>22 A. She works part-time at the</p> <p>23 children's learning center at the local</p> <p>24 community college, Northampton.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Okay.</p> <p>2 A. We moved here in 2011.</p> <p>3 Q. "Here" being Stroudsburg?</p> <p>4 A. Yes.</p> <p>5 Q. Where did you live before</p> <p>6 that?</p> <p>7 A. Before that we were living</p> <p>8 in New Mexico, Roswell.</p> <p>9 Q. Okay. So was your mother</p> <p>10 already in Stroudsburg?</p> <p>11 A. Oh, yeah. Many years. This</p> <p>12 is where they settled.</p> <p>13 Q. They?</p> <p>14 A. My family.</p> <p>15 Q. Is your father living?</p> <p>16 A. He's deceased.</p> <p>17 Q. So did your mother and</p> <p>18 father move to Stroudsburg?</p> <p>19 A. Yes.</p> <p>20 Q. Just out of curiosity, what</p> <p>21 took them to Stroudsburg?</p> <p>22 A. My father was born and</p> <p>23 raised in the lower east side of New York</p> <p>24 and I think he got tired of</p>

<p style="text-align: right;">Page 38</p> <p>1 overpopulation. He wanted some space  2 around him, is what he used to say.  3 Q. So they just picked  4 Stroudsburg, PA?  5 A. It was within their  6 affordability, taxes and just kind of  7 made sense. And he would commute to  8 Manhattan every day into the garment  9 center where he worked.  10 Q. You said you moved to  11 Stroudsburg in 2011?  12 A. Yes.  13 Q. And before that, you lived  14 in Roswell, New Mexico?  15 A. Yeah.  16 Q. How long did you live in  17 Roswell, New Mexico?  18 A. I want to say about a year.  19 Q. And you were married at that  20 time?  21 A. Yes.  22 Q. Why don't you give me a  23 chronology of where you have lived since  24 college or since medical school.</p>	<p style="text-align: right;">Page 40</p> <p>1 believe.  2 Q. Do you know the address?  3 A. I think they're somewhere in  4 Florida, the main office. But they are  5 now in -- what is that island? Kurks  6 [sic] and Caicos, or something. Turks  7 and Caicos. They're in the Caribbean.  8 Q. So the school is no longer  9 in Belize?  10 A. They moved. There was some  11 discrepancy with the government there.  12 I'm not sure exactly what happened.  13 Q. How many years did you  14 actually spend in Belize attending  15 school?  16 A. I want to say -- I would  17 come home for breaks. So I don't know  18 how to -- I guess the semesters were like  19 12, 14 weeks long. So I guess two years,  20 if you want to say two years.  21 Q. Do you know what, I'm going  22 to go back. Let's take this more in  23 chronological order.  24 We went through high school.</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Since medical school. Okay.  2 While I was in -- I lived in New York  3 City. That's where I grew up. From  4 medical school, I went to Belize in  5 Central America.  6 Q. From medical school?  7 A. I'm sorry. Before medical  8 school, I went to Belize in Central  9 America.  10 Q. What year was that?  11 A. That was around -- I want to  12 say 1999, 2000. I have to check the  13 transcript for sure, but I think it was  14 around that time. I finished medical  15 school in 2004. So it was a four-year  16 program.  17 Q. I wanted to ask about that  18 and we'll spend a little time with that.  19 But you went to medical school in Belize.  20 And the name of that school?  21 A. St. Matthew's.  22 Q. It's just called St.  23 Matthew's?  24 A. School of Medicine, I</p>	<p style="text-align: right;">Page 41</p> <p>1 After high school, am I correct you  2 attended Parsons School of Design?  3 A. (Gesturing.)  4 Q. And what years was that?  5 A. That was 1988 until '92.  6 Q. At Parsons, did you have a  7 major?  8 A. Illustration.  9 Q. Did you graduate in four  10 years?  11 A. I did.  12 Q. BFA?  13 A. Correct.  14 Q. At Parsons, did you take  15 academic, what I'll call academic courses  16 in addition to art courses?  17 A. Yeah, but they were watered  18 down, you know, like philosophy 101 and  19 English. And there really was no  20 science. I think I took wildlife of  21 North America something, that constituted  22 a science class.  23 Q. And what was your grade  24 point at Parsons when you graduated?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. You want academics or you 2 want everything?</p> <p>3 Q. Everything. Your grade 4 point average.</p> <p>5 A. Very high honors. I 6 excelled.</p> <p>7 Q. At Parsons, when you took 8 academic as opposed to art courses, did 9 you have any kind of accommodations for a 10 disability?</p> <p>11 A. I don't recall needing them. 12 I don't recall that the requirements for 13 the course work was that grueling or 14 taxing.</p> <p>15 There was like no time 16 accommodations for testing. It was more 17 papers, writing papers. And I would 18 spend a lot of time doing that, 19 preparing, you know, papers and stuff 20 like that. That was taxing. But there 21 was no need in terms of the way the 22 courses were set up and the fact that 23 they were so watered down.</p> <p>24 Q. So you didn't ask for any</p>	<p style="text-align: right;">Page 44</p> <p>1 for any academic accommodations?</p> <p>2 A. There was no need to request 3 the accommodation because it was all 4 painting, illustration concepts, classes, 5 very few academics.</p> <p>6 Q. But in terms of the few 7 academic courses that there were, 8 focusing on those, you did not feel the 9 need to request accommodations?</p> <p>10 A. I don't believe that 11 accommodations were required because of 12 the way the course was structured and the 13 fact that it was watered down.</p> <p>14 Q. So again, I interpret that 15 as you did not feel the need to ask for 16 any accommodations because of the way the 17 courses were.</p> <p>18 A. If you want to say that 19 because of the curriculum of an art 20 program where you are not faced with such 21 complicated academics and it's more about 22 the world of art and design, then I 23 didn't request accommodations because no 24 grueling tests were given to us. It was</p>
<p style="text-align: right;">Page 43</p> <p>1 accommodations?</p> <p>2 A. I don't believe they were 3 required based on the curriculum.</p> <p>4 Q. They were not required for 5 you, you mean?</p> <p>6 A. Yeah, based --</p> <p>7 Q. You didn't need any 8 accommodations?</p> <p>9 A. At that point in time 10 because it was an art program, and I was 11 able to do my art and not -- just do what 12 I always did and what I was gifted at, 13 then I did not require.</p> <p>14 Q. So you didn't require -- for 15 what you were doing, you didn't require 16 any accommodations?</p> <p>17 A. It was an art college.</p> <p>18 Q. And you didn't ask for any?</p> <p>19 A. I kind of object to the form 20 of the question.</p> <p>21 Q. All right. Well let me try 22 again. And that's fine.</p> <p>23 Is it correct that during 24 college you did not feel the need to ask</p>	<p style="text-align: right;">Page 45</p> <p>1 more create the paper and submit the term 2 paper and things of that nature.</p> <p>3 And for that I wouldn't need 4 accommodations because I was home 5 spending hours and hours and hours doing 6 at my pace and that was -- that's, 7 basically, all I can say to that.</p> <p>8 Q. Did none of the academic 9 courses have exams?</p> <p>10 A. Very few. Very few. I do 11 believe that the wildlife of North 12 America had an exam. I didn't fair too 13 well on that.</p> <p>14 Q. Do you remember what you got 15 in that course?</p> <p>16 A. I think I just passed, 17 probably like a C or something like that.</p> <p>18 Q. So after Parsons, did you go 19 right on -- in 1992 after you graduated, 20 did you go right into some sort of a 21 post-baccalaureate program?</p> <p>22 A. While I was at Parsons, I 23 worked in the emergency department of 24 Elmhurst Hospital.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. Elmer Hurst?</p> <p>2 A. Elmhurst. It's part of the</p> <p>3 Health and Hospitals Corporation.</p> <p>4 And I worked in the</p> <p>5 emergency room as a part-time clerk</p> <p>6 registering patients, doing blood work,</p> <p>7 doing some coding.</p> <p>8 And my parents had already</p> <p>9 moved up here. So I was kind left on my</p> <p>10 own to kind of fend for myself. So that</p> <p>11 was a very fortuitous job. It had</p> <p>12 benefits as a part-timer and it paid</p> <p>13 pretty well.</p> <p>14 But that's where I</p> <p>15 discovered medicine. I kind of modeled</p> <p>16 myself after some of the doctors there.</p> <p>17 And I liked the fast-pace environment of</p> <p>18 the ER. And it wasn't until like 1994 or</p> <p>19 so that I began taking pre-med classes.</p> <p>20 Q. Okay. You said that you</p> <p>21 graduated Parsons in 1992.</p> <p>22 A. Yes.</p> <p>23 Q. So, did you continue working</p> <p>24 at Elmhurst after 1992?</p>	<p style="text-align: right;">Page 48</p> <p>1 Parsons?</p> <p>2 A. Freelance illustrator doing</p> <p>3 magazines' articles illustrations for,</p> <p>4 you know, The New Yorker. That was my</p> <p>5 goal, to be became an illustrator.</p> <p>6 Q. Did you ever try to pursue</p> <p>7 that?</p> <p>8 A. I did. I have some</p> <p>9 published work.</p> <p>10 Q. Did you try to pursue that</p> <p>11 as a career?</p> <p>12 A. The life of a freelancer</p> <p>13 made me a little nervous.</p> <p>14 Q. Because it's not secure?</p> <p>15 A. Yeah.</p> <p>16 Q. So after you graduated from</p> <p>17 Parsons in 1992, you continued to work</p> <p>18 part-time at Elmhurst Hospital?</p> <p>19 A. Yes.</p> <p>20 Q. And you also got a job at</p> <p>21 Andover Togs --</p> <p>22 A. Yes.</p> <p>23 Q. -- in Manhattan?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Yes.</p> <p>2 Q. And did you become a</p> <p>3 full-time employee?</p> <p>4 A. No. What I did was, I tried</p> <p>5 to utilize my art degree and I was -- I</p> <p>6 kept Elmhurst on the weekends. And I was</p> <p>7 working for a company called Andover Togs</p> <p>8 on 34th Street. Subsequently though --</p> <p>9 Q. Hold on one second.</p> <p>10 What is name of that?</p> <p>11 Andover --</p> <p>12 A. Togs.</p> <p>13 Q. T-O --</p> <p>14 A. G-S.</p> <p>15 Q. And what was that?</p> <p>16 A. That's a children's wear</p> <p>17 manufacturer. So I would do the graphics</p> <p>18 for the -- you know, the artwork for the</p> <p>19 the -- (gesturing.)</p> <p>20 Q. Did you have a major -- you</p> <p>21 said you were an illustration major?</p> <p>22 A. Yes.</p> <p>23 Q. Did you have -- what was</p> <p>24 your career goal while you were attending</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Was that a full-time job?</p> <p>2 A. It was.</p> <p>3 Q. How long did you work there?</p> <p>4 A. They fired me.</p> <p>5 Q. Why was that?</p> <p>6 A. I don't know. I don't think</p> <p>7 I was cut out for that kind of teddy bear</p> <p>8 kind of art. You know, they were selling</p> <p>9 to Walmart and that just wasn't me. I</p> <p>10 was more a photo realist at the time</p> <p>11 where I could portraits and stuff like</p> <p>12 that. So I wasn't the right fit for them</p> <p>13 really. They needed more of a</p> <p>14 cartoonist.</p> <p>15 Q. How long did you work there?</p> <p>16 A. I want to say a year.</p> <p>17 Q. Did you have any</p> <p>18 disagreements that led to your firing or</p> <p>19 was it about not the right fit as an</p> <p>20 illustrator?</p> <p>21 A. Just wasn't the type of</p> <p>22 artwork that I was geared to and it kind</p> <p>23 of showed. It wasn't a very congenial</p> <p>24 environment.</p>



<p style="text-align: right;">Page 50</p> <p>1 Q. After you left Andover Togs, 2 did you continue to pursue artwork? 3 A. I then decided to start 4 pre-med. 5 Q. So the answer is, "no?" 6 A. No. That's correct. 7 Q. Did you continue to do 8 freelance artwork? 9 A. I did not. 10 Q. Today, do you do any 11 freelance artwork? 12 A. Today, I'm lucky that I can 13 get out of bed and drag a comb across my 14 hair. Today, I lost my soul, is the way 15 it feels like. That's the way it feels 16 to me. 17 Q. Do you do art for fun? 18 A. I used to. I doodled this 19 morning while I waited for you. But 20 other than that, not as much as I would 21 like to. I just don't have the energy or 22 the -- I don't know. It's hard to 23 explain. It's sort of taxing to have 24 that talent and not use, it hurts, too.</p>	<p style="text-align: right;">Page 52</p> <p>1 A. I was still working at the 2 hospital and I was taking full-time 3 classes, I believe. Yes. 4 Q. How long did you go to 5 Queens College? 6 A. Just, I want to say two 7 semesters. 8 Q. Is Queens College located 9 exactly where it was when you attended? 10 A. Yeah. 11 Q. And what courses did you 12 take at Queens College? 13 Let's try to take it 14 chronologically if we can. 15 A. It's like an introduction to 16 chemistry, an introduction to math, 17 algebra, basic algebra and bio. 18 Q. So, first semester, three 19 courses? 20 A. I think so. 21 Q. And how did you do? 22 A. Not well. 23 Q. Could you be more specific? 24 A. I wound up, I think,</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. During that year that you 2 worked at Andover Togs, where did you 3 live? 4 A. I lived in New York. 5 Q. By yourself or -- 6 A. Yeah. Yes. 7 Q. And when you started -- you 8 said that after the one year, you started 9 taking pre-med courses? 10 A. When I was fired from 11 Andover Togs. 12 Q. How did you start that 13 process? 14 A. How did I start it? 15 Q. Let's take it this way. 16 What was the first school you went to? 17 A. Queens College. 18 Q. And Queens College is part 19 of the City university system? 20 A. Correct. 21 Q. Were you living in Queens? 22 A. Yes. 23 Q. And did you go full-time to 24 Queens College?</p>	<p style="text-align: right;">Page 53</p> <p>1 withdrawing from most of them, I think. 2 Q. So there were three courses 3 in the first semester that you mentioned. 4 And is it your testimony 5 that you withdrew from all of them or -- 6 A. I think I kept the math 7 class and I think I finished out okay, I 8 think with a B or something. 9 The other two classes, I 10 think I withdrew if I remember correctly. 11 Q. And how about the following 12 semester, what did you do? 13 A. I think I did -- I think -- 14 I would have to check my transcripts. I 15 believe I may have kept the C that I got 16 in bio and I went on to bio 2. 17 I don't know if they gave 18 you the option of registering for bio 2 19 without bio 1. I don't really recall. 20 Q. Do you have transcripts? 21 A. Yes. 22 Q. All right. I'm going to 23 request -- if I didn't request that 24 originally, I request that.</p>



<p style="text-align: right;">Page 54</p> <p>1 A. Okay.</p> <p>2 Q. So, I will follow up with a</p> <p>3 letter to you with --</p> <p>4 A. Transcripts.</p> <p>5 Q. -- requesting. So if we</p> <p>6 come up with three or four things today</p> <p>7 that I'm requesting, I'm going to follow</p> <p>8 up in a letter to you.</p> <p>9 A. I don't have transcript from</p> <p>10 Queens College, though.</p> <p>11 Q. Okay. Because when you were</p> <p>12 describing what you did, intro chem,</p> <p>13 algebra, bio and then what the grades</p> <p>14 were, then you said, "well, I would have</p> <p>15 to check my transcripts." So that's why</p> <p>16 I'm asking. Do you have them?</p> <p>17 A. No. Queens College, I have</p> <p>18 no transcripts. I transferred to the</p> <p>19 State University at Old Westbury. For</p> <p>20 there, I have transcripts.</p> <p>21 Q. Okay. So I'm going to</p> <p>22 request copies of any transcripts you</p> <p>23 have for any school that you ever</p> <p>24 attended.</p>	<p style="text-align: right;">Page 56</p> <p>1 I don't see relevance. I mean, it's a</p> <p>2 file I don't even have.</p> <p>3 Q. Well, just so we're clear,</p> <p>4 anything that I would get by subpoena,</p> <p>5 obviously you would get as well.</p> <p>6 A. Right. I don't know. To</p> <p>7 me, I don't think that there's anything</p> <p>8 at the end of that. There won't be any</p> <p>9 enlightening information to help</p> <p>10 discovery.</p> <p>11 Q. Well, we obviously disagree</p> <p>12 about what is relevant and what is not</p> <p>13 and we've had that disagreement already</p> <p>14 and we're waiting for the Judge's ruling</p> <p>15 on those things. So we don't have to,</p> <p>16 you know, try to thrash that out here.</p> <p>17 But I will tell you that if</p> <p>18 you think that you had transcripts and</p> <p>19 you supplied to them ECFMG as part of</p> <p>20 your registration process, then I'm going</p> <p>21 to request those either informally to you</p> <p>22 or and by subpoena to the ECFMG.</p> <p>23 Let me ask you this: Do you</p> <p>24 have a complete copy of what you</p>
<p style="text-align: right;">Page 55</p> <p>1 A. If it's in my possession,</p> <p>2 I'll send them to you. Your client</p> <p>3 should have the NBME, that should be on</p> <p>4 file for medical school.</p> <p>5 Q. Well, my understanding is</p> <p>6 that the -- whatever your application</p> <p>7 process would be with the ECFMG, which is</p> <p>8 a different organization.</p> <p>9 Do you have any objection --</p> <p>10 if I were to -- I could do that by either</p> <p>11 an informal request, because the</p> <p>12 organizations work together, or I could</p> <p>13 do that by subpoena. And so, I would --</p> <p>14 like we did a couple of weeks ago, I</p> <p>15 would send you a copy of a proposed</p> <p>16 subpoena.</p> <p>17 Would you object to my</p> <p>18 getting your file from ECFMG?</p> <p>19 A. I have to think about that.</p> <p>20 I don't know what is in that file.</p> <p>21 Q. I don't either. That's why</p> <p>22 I'm asking. Okay.</p> <p>23 A. I think I probably would</p> <p>24 object. I'm not sure how it's relevant.</p>	<p style="text-align: right;">Page 57</p> <p>1 submitted to the ECFMG from the first</p> <p>2 time that you applied to take the USMLE?</p> <p>3 A. No.</p> <p>4 Q. You didn't save what you</p> <p>5 submitted?</p> <p>6 A. I don't recall what I</p> <p>7 submitted.</p> <p>8 Q. And --</p> <p>9 A. This is 10 years ago.</p> <p>10 Q. But in your files at home,</p> <p>11 you don't have a copy -- I'm asking</p> <p>12 whether you have a copy of what you</p> <p>13 submitted, the entire application if you</p> <p>14 want to call it that, to the ECFMG?</p> <p>15 A. I moved several times. A</p> <p>16 lot of things I can't even locate</p> <p>17 anymore.</p> <p>18 Q. Okay. Fair enough.</p> <p>19 So we were trying to take</p> <p>20 this chronologically. You went to Queens</p> <p>21 College for two semesters. You described</p> <p>22 your first semester.</p> <p>23 How about the second</p> <p>24 semester?</p>

<p style="text-align: right;">Page 58</p> <p>1 A. Second semester -- okay.  2 This is what I think happened. First  3 semester I dropped bio and the pre-chem.  4 Second semester, I just registered for  5 bio 2, I think, at night. And I think I  6 got a C.  7 And I think I took the  8 second part of the algebra, mathematics  9 to start building my mathematical  10 abilities a little bit better. I took a  11 second part of the algebra. And I think  12 I got a C on that, too.  13 From there, I went to Old  14 Westbury.  15 Q. So, you finished Parsons.  16 You worked for a year or so at Andover  17 Togs. Then he went to Queens College for  18 a year. Then you went to Old Westbury.  19 A. Yes.  20 Q. Have I missed anything in  21 there?  22 A. I don't think so.  23 Q. How long did you go to Old  24 Westbury?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. So, first semester at Old  2 Westbury, what did you take?  3 A. I remember taking chemistry  4 I.  5 Q. And --  6 A. And the lab. I took bio. I  7 think that's it.  8 Q. No math course?  9 A. No, not yet.  10 Q. And you weren't taking  11 courses that you didn't need to take for  12 pre-med, like English?  13 A. No, no, no.  14 Q. Philosophy?  15 A. No.  16 Q. So how did you do in chem 1  17 and the lab first semester?  18 A. Not bad. I think I got like  19 an A in the lab, I think a B minus in the  20 course, but I worked so hard.  21 Q. How did you do in biology?  22 A. I think I got a B plus, I  23 want to say.  24 Q. Now, those courses, were you</p>
<p style="text-align: right;">Page 59</p> <p>1 A. '94 to '98 I want to say.  2 Q. And is Old Westbury in Long  3 Island?  4 A. Yes.  5 Q. Were you living in Queens?  6 A. Yes. It was only like a  7 half hour, 35-minute drive on the  8 Northern State.  9 Q. And were you in a degree  10 program at Old Westbury?  11 A. I was not. I was just  12 matriculating for pre-med courses.  13 Q. Were you attending Old  14 Westbury full-time?  15 A. I want to say, yes, while I  16 was working the weekends at the hospital.  17 Q. To the extent that you can,  18 I'm going to ask you to go through  19 semester by semester what you took and  20 how you did in each course to the extent  21 that you can remember.  22 A. Okay.  23 Q. Okay?  24 A. What's your question?</p>	<p style="text-align: right;">Page 61</p> <p>1 taking those courses along with  2 undergraduates?  3 A. Yes.  4 Q. So it wasn't graduate  5 school. This was undergraduate school,  6 but you weren't there to get a degree?  7 A. Right. I should preface,  8 though, I was like a post-bacc, but there  9 was a problem when I was taking exams.  10 And I remember talking to the professor  11 about it, that I was having this anxiety  12 problem when I was sitting for her exams,  13 that I was like losing my information in  14 my mind.  15 I did well in the lab  16 because that was just reports and it was  17 hands-on. But I remember talking to Dr.  18 Garrity and I told her, I don't know  19 what's wrong, that I had to see -- you  20 know, see what's going on with me, I get  21 very nervous during the testing, that I  22 don't know if I need to see a clinician  23 about it.  24 But I was very nervous when</p>

<p style="text-align: right;">Page 62</p> <p>1 I sat for the chemistry exams and I would 2 forget information. 3 Q. Now, did you at that time 4 see any psychologist or psychiatrist 5 about that issue? 6 A. I remember not really 7 knowing why this was happening. And I 8 don't know if I had enough insight to go 9 and seek a clinician at that point. 10 Q. At some point, at Old 11 Westbury, you went to the office for -- 12 A. Disability. 13 Q. -- disability services? 14 A. Yes. 15 Yeah. That's when I came to 16 the conclusion after speaking to a 17 caregiver about my symptoms and they 18 thought that I had anxiety disorder for 19 testing. 20 Q. And was that Mr. Lupardo? 21 A. Right. 22 Q. He was the clinician you're 23 referring to? 24 A. No. He was in charge of the</p>	<p style="text-align: right;">Page 64</p> <p>1 that in her classes. So I think she 2 thought it was some reflexion on her and 3 her teaching as to why isn't he doing 4 well in my class kind of thing. 5 Q. Do you remember when it was 6 that you first went to that Office for 7 Students with Disabilities, when was the 8 first time you went there? 9 A. I believe it was right 10 around that time. 11 Q. So first year out of four 12 years? 13 A. The first year I think I -- 14 you know what it was, it was after I 15 finished chem 2 and I realized there's a 16 problem here because I got a C, I think. 17 And after that, then I spoke 18 to the instructor again, Dr. Garrity and 19 I continued to take it not really 20 understanding what was wrong. And it 21 wasn't until I completed that, I got a C, 22 I was disappointed because you need a B 23 or better for medical school, that I went 24 and talked to someone when organic 1</p>
<p style="text-align: right;">Page 63</p> <p>1 student for special services. He has a 2 master's. And he, at the time, was the 3 director of the student for special 4 services. 5 Q. The disability services -- 6 A. Correct. 7 Q. -- is the equivalent of 8 that? 9 A. Yes. 10 Q. So in that first semester, 11 you had some issues during test taking 12 and you spoke to your professor about it, 13 but that wasn't when you first went to 14 talk -- 15 A. I remember she said -- 16 Q. -- to Mr. Lupardo -- 17 A. I'm sorry, I interrupted 18 you. 19 I remember Dr. Garrity 20 telling me that I have to do something. 21 I remember that she was bothered by the 22 fact that I was performing pretty well in 23 lab and the professor in the lab thought 24 I was pretty good, but I wasn't showing</p>	<p style="text-align: right;">Page 65</p> <p>1 started. 2 Q. Okay. 3 A. I believe it was during 4 organic chemistry I went to see Mr. 5 Lupardo. I didn't even know that office 6 existed until then. I didn't know there 7 was any help. 8 Q. So -- 9 A. So there was a doctor -- I 10 forget his name. He was a West Indian 11 professor. And he said go see the 12 testing center, you obviously have a 13 problem. 14 Q. Second semester at Old 15 Westbury, you took chem 2 and what else? 16 A. Chem 2 and bio 2. 17 Q. And chem 2 you said you got 18 a C? 19 A. I think so. Yeah. She knew 20 I needed a B or better for medical 21 school. And I was striving for that and 22 I was working very hard, but I thought 23 that because I was doing so well in the 24 lab that that could bring me up. But</p>

<p style="text-align: right;">Page 66</p> <p>1 they were two separate grades, really.</p> <p>2 Q. How did you do in bio?</p> <p>3 A. I think I did well because I</p> <p>4 was primed from Queens College, I had</p> <p>5 already taken it. So I left the grade in</p> <p>6 Queens College because I wanted to see if</p> <p>7 I could get a better grade and I did.</p> <p>8 Q. What did you get?</p> <p>9 A. I think I got a B plus.</p> <p>10 Q. So, you had started this</p> <p>11 discussion saying you went to Old</p> <p>12 Westbury 1994 to 1998.</p> <p>13 So did you just describe the</p> <p>14 1994/1995 academic year?</p> <p>15 A. That sounds correct.</p> <p>16 Q. So, second year, which would</p> <p>17 be 1995/1996, what did you take third</p> <p>18 semester?</p> <p>19 A. Now --</p> <p>20 Q. Or did you continue with</p> <p>21 the --</p> <p>22 A. I'm not certain of these</p> <p>23 dates. I'm doing the best I can here</p> <p>24 with you.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Did he send you to a</p> <p>2 particular doctor?</p> <p>3 A. No. I think I saw a doctor</p> <p>4 in Queens, but I don't remember who I saw</p> <p>5 for that.</p> <p>6 That doctor, I believe he</p> <p>7 wrote a letter based on a pretty thorough</p> <p>8 evaluation and he stated that I had test</p> <p>9 anxiety.</p> <p>10 Q. And do you remember the name</p> <p>11 of the doctor?</p> <p>12 A. I don't remember. I don't</p> <p>13 know who that was.</p> <p>14 Q. Do you remember what kind of</p> <p>15 doctor it was?</p> <p>16 A. I believe it was a general</p> <p>17 family doc, family physician.</p> <p>18 Q. Like an M.D.?</p> <p>19 A. Yeah.</p> <p>20 Q. Was it your long-standing</p> <p>21 family physician or --</p> <p>22 A. I didn't really have a</p> <p>23 long-standing family physician back then.</p> <p>24 Q. And based on that letter</p>
<p style="text-align: right;">Page 67</p> <p>1 It would have been organic</p> <p>2 1. And I don't remember -- I think I</p> <p>3 took physics with it.</p> <p>4 Q. How did you do in</p> <p>5 organic/chem 1?</p> <p>6 A. I'm trying to remember. I</p> <p>7 think I got a C.</p> <p>8 Q. And how about physics?</p> <p>9 A. I think I got a B.</p> <p>10 Q. And was it during that</p> <p>11 semester that you went to the student</p> <p>12 disability office?</p> <p>13 A. I think after that C I was</p> <p>14 kind of devastated because I was really</p> <p>15 working very hard. And I went to see Mr.</p> <p>16 Lupardo after I had finished organic 1.</p> <p>17 And I told Mr. Lupardo that was going</p> <p>18 on -- I get very flustered during the</p> <p>19 tests, that I'm not thinking properly, I</p> <p>20 forget all the information, I don't know</p> <p>21 what's going on.</p> <p>22 He suggested I see a doctor,</p> <p>23 describe my symptoms and then get back to</p> <p>24 him, which I did.</p>	<p style="text-align: right;">Page 69</p> <p>1 that you brought to doctor -- Mr.</p> <p>2 Lupardo's office, did you receive</p> <p>3 accommodations?</p> <p>4 A. I explained to him the</p> <p>5 symptoms. He took a thorough intake, I</p> <p>6 believe. And he kept the record, the</p> <p>7 file of the doctor's recommendations and</p> <p>8 created a file for me. And then,</p> <p>9 basically, I was permitted to have</p> <p>10 accommodations based on the first couple</p> <p>11 of semesters of struggling.</p> <p>12 Q. Okay. And what were the</p> <p>13 accommodations that you got?</p> <p>14 A. Double time on the exam and</p> <p>15 a private room in the testing center.</p> <p>16 Q. And that was based on test</p> <p>17 anxiety?</p> <p>18 A. That was the diagnosis.</p> <p>19 Yes.</p> <p>20 Q. Did you continue -- you just</p> <p>21 described your third semester.</p> <p>22 Did you keep ongoing</p> <p>23 semester after semester to Old Westbury?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 70</p> <p>1 Q. And did you -- is Old 2 Westbury the only -- leaving aside Queens 3 College or Queens College and Old 4 Westbury together, is that the sum total 5 of your post-baccalaureate education? 6 A. That's kind of a compound 7 question. I object to the way you're 8 stating that. 9 Q. Let me try again. You've 10 described going to Queens College and 11 then Old Westbury. 12 Did you go to any other 13 schools or colleges or universities for 14 pre-med courses? 15 A. One summer semester, summer 16 session at Nassau Community College where 17 I attempted to do physics over the 18 summer, but it was too fast paced. So I 19 wound up withdrawing. But I did continue 20 with pre-calculus. 21 Q. At? 22 A. At Nassau. And I don't 23 remember which summer that was, but it 24 was probably after -- probably after chem</p>	<p style="text-align: right;">Page 72</p> <p>1 for me because especially coming from 2 Parsons, new school where everything was 3 papers, that's why I kind of -- I think I 4 did better in the laboratories because 5 you took the data home and you wrote your 6 report and I wasn't pressured. 7 Q. Okay. So let's go back to 8 your time at Old Westbury, fourth 9 semester. 10 A. Okay. 11 Q. In the fourth semester, you 12 already had accommodations in place; is 13 that right? 14 A. Yes. 15 Q. And did those accommodations 16 continue throughout the time you were at 17 Old Westbury? 18 A. I believe so. Yes. As soon 19 as the doctor identified an anxiety 20 disorder, then it kicked in. 21 Q. And the anxiety disorder 22 that that doctor found was test anxiety? 23 A. Yes. 24 Q. What did you take in the</p>
<p style="text-align: right;">Page 71</p> <p>1 2, I want to say, that I began trying to 2 do physics over the summer. 3 Q. Was that in between Queens 4 College and Old Westbury? 5 A. No. I was already at Old 6 Westbury. 7 Q. And that was Nassau 8 Community College? 9 A. Yes. 10 Q. And you took physics and you 11 withdrew? 12 A. Yeah. I just didn't -- I 13 wasn't grasping it. It was too fast of a 14 pace where I was at. At the time period, 15 there was this other problem I was 16 contending with that I didn't even know 17 exactly what that was, which turned out 18 to be the anxiety test. This is prior to 19 that. 20 Q. Okay. 21 A. So physics I withdrew. And 22 then I took pre-calc that summer and I 23 got a C. And I struggled with that, too. 24 Exams were very difficult</p>	<p style="text-align: right;">Page 73</p> <p>1 fourth semester? 2 A. I believe it was organic 2 3 and physics 2. 4 Q. And how did you do in those 5 two courses? 6 A. Markedly better. 7 Q. How did you do in those two 8 courses? 9 A. B plus in organic. An A in 10 the lab. I want to say a B in physics 11 and an A in the lab. 12 Q. An A in the lab? 13 A. I think so. Yeah. 14 Q. And you said your 15 accommodations continued. Did that mean 16 you had double time on testing? 17 A. Yeah, and a separate private 18 room to take my exam. 19 Q. How about now we're into 20 your third year at Old Westbury. So it 21 would be the fifth -- 22 A. That was it. 23 Q. I'm assuming -- 24 A. That was it, I believe.</p>



<p style="text-align: right;">Page 74</p> <p>1 After organic, I completed my 2 prerequisites. Prerequisites were done. 3 Q. That was the end of your 4 time -- 5 A. I believe. Yeah. 6 Q. -- at Old Westbury? 7 A. Oh, there was -- I remember 8 that I had to take something with getting 9 an extra class in because I had to be at 10 a certain amount of credits for some 11 reason. I think it was because of the 12 financial aid or something. 13 So, the chemistry professor 14 for organic allowed me to do a paper or 15 something for like a credit course or 16 something like that. I think I got a C 17 plus in that. 18 Q. So earlier I asked you when 19 you attended Old Westbury. You told me 20 1994 to 1998. So, you went through four 21 semesters starting in 1994. How did we 22 get all the way to 1998? 23 A. 1994 is when I believe I 24 began Old Westbury. One whole year there</p>	<p style="text-align: right;">Page 76</p> <p>1 the hospital? 2 A. Correct. 3 Q. And did you also have 4 financial aid at Old Westbury? 5 A. I believe so. Yes. 6 Q. And was that grants or loans 7 or what? 8 A. I believe it was loans. 9 Q. Have you ever paid back 10 loans or have you rolled loans over 11 into -- so that they're all one big loan 12 now? 13 A. How is that relevant to what 14 we're discussing? 15 Q. I think your livelihood, 16 which I'm going to ask you about, is 17 relevant. So I'm going to ask you about 18 that. And it doesn't mean that it gets 19 admitted at trial, but it's part of a 20 picture. 21 A. I struggled financially. 22 And I'm still struggling. And I am in a 23 lot of debt because of my education. 24 Nobody handed me anything. Right from</p>
<p style="text-align: right;">Page 75</p> <p>1 for inorganic and organic. One -- oh, 2 unless I did physics by itself, which I 3 may have done. 4 I may have done -- I grouped 5 physics with organic with you here. I 6 think I may have done physics alone for 7 the year in question. 8 Q. Okay. And then similarly 9 organic by itself? 10 A. I believe so. Yes. 11 And I'm just going off my 12 memory. That's what I remember. 13 Q. And during the time that you 14 were at Old Westbury and you were taking, 15 for example, just one course, organic or 16 just physics, were you working? 17 A. Yes. 18 Q. And that was on the 19 weekends? 20 A. Yes. 21 Two 12-hour shifts, 22 Saturday, Sunday. 23 Q. How were you supporting 24 yourself? Was it through your work at</p>	<p style="text-align: right;">Page 77</p> <p>1 Parsons, I was on my own. And I got a 2 small institutional scholarship because 3 of my artistic abilities, not because of 4 my academics. 5 Q. At Parsons, you mean? 6 A. Partial. But other than 7 that, I have been on my own. I didn't 8 get much support. 9 Q. And do you still have 10 loans -- 11 A. Of course I do. 12 Q. -- back to Parsons? 13 A. Of course I do. 14 Q. Okay. 15 A. Your clients, unfortunately, 16 created a big problem when they denied me 17 the ability to move forward by denying 18 the request for accommodations. 19 Q. So, is it correct, then, 20 that you have loans going back to Parsons 21 and Old Westbury and medical school? 22 A. Yes. 23 Q. And what is the total 24 amount, if I may ask that?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. I would have to check, but  2 it's in the hundreds of thousands.  3 Q. Have you ever declared  4 bankruptcy?  5 A. 2005, I believe.  6 Q. And did you have a lawyer  7 represent you in that or did you do it  8 yourself?  9 A. I don't recall his name, but  10 it was a lawyer.  11 Q. Where was that filed?  12 A. In New York.  13 Q. And as a result of that  14 bankruptcy, was there a requirement that  15 you pay back money over time?  16 A. To whom?  17 Q. I don't know who the debtors  18 were in that bankruptcy, but I'm asking.  19 A. Are you asking me if I'm  20 still liable for my student education  21 debts?  22 Q. No, that's not what I'm  23 asking. Let me take it step by step.  24 You filed for personal</p>	<p style="text-align: right;">Page 80</p> <p>1 situation destroyed me because I think my  2 credit score was actually pretty good  3 back then.  4 Q. What was the amount of  5 unsecured credit card debt?  6 A. I don't think it was very  7 much. Maybe 16, 17,000. Something like  8 that.  9 Q. And do you recall if there  10 were any other debts other than credit  11 card debts that were discharged?  12 A. I don't recall.  13 Q. But as you said, your  14 student loans stayed with you?  15 A. Correct.  16 Q. And was that the only time  17 that you've been through the bankruptcy  18 proceeding?  19 A. Yes. Yes. I was definitely  20 having some economic problems.  21 Q. Do you work now?  22 A. No.  23 Q. When was the last time you  24 had a job?</p>
<p style="text-align: right;">Page 79</p> <p>1 bankruptcy in New York in 2005. And you  2 had a lawyer.  3 A. Mm-hmm. Yes.  4 Q. Do you remember what court  5 it was?  6 A. I want to say Brooklyn. And  7 that was -- because I thinking the lawyer  8 was located in Brooklyn.  9 Q. And you don't remember the  10 name of the lawyer?  11 A. I don't. Not offhand, no.  12 Q. And at the end of that case,  13 was there a decree by the court that  14 ended the case?  15 A. I don't understand the  16 question.  17 Q. How did that bankruptcy end?  18 Did you have debts that were discharged?  19 A. I believe it was the  20 unsecured credit card possibly, but  21 student loans are not dischargeable.  22 Q. So you had unsecured credit  23 card debt?  24 A. Probably. The student loan</p>	<p style="text-align: right;">Page 81</p> <p>1 A. Probably, a real job, I  2 would say 2008.  3 MR. SACKS: You know what,  4 let's take five minutes.  5 - - -  6 (Whereupon, a brief recess  7 was taken.)  8 - - -  9 BY MR. SACKS:  10 Q. How do you support yourself  11 today?  12 A. The good graces of my  13 mother.  14 Q. So your mom receives Social  15 Security. You and your wife live with  16 your mom.  17 A. Until this all gets squared  18 away and I know what is going on here.  19 This is -- 2011 we moved here with the  20 expectation she wanted to down-size, go  21 into kind of like a senior living  22 quarters.  23 And, you know, her hope was  24 that my wife and I would be able to take</p>



<p style="text-align: right;">Page 82</p> <p>1 over the house and she could down-size  2 and not have this albatross around her  3 neck, but she's been trying to hold on to  4 it because of us.  5 So, basically, you know, I  6 would be in the street if it wasn't for  7 her. I don't know where we would be.  8 She had pity on us.  9 Q. Do you receive any kind of  10 public benefits?  11 A. We get SNAP program for  12 food, but that's it. And that's as far  13 as it goes, I believe.  14 Q. So you and your wife get  15 food stamps, essentially?  16 A. Yeah. Yeah.  17 Q. Have you ever tried to get  18 disability, Social Security Disability?  19 A. I haven't. I haven't. I  20 don't know what is entailed in that.  21 Q. I was just asking if you  22 did. I'm not advocating. I don't know  23 either.  24 A. I don't know anything about</p>	<p style="text-align: right;">Page 84</p> <p>1 A. It was in the department of  2 behavioral health. I was responsible for  3 helping with the nurse educators to train  4 the various staff members, to create what  5 they called a therapeutic milieu for the  6 patient population, trying to come up  7 with protocols for group therapy and  8 things of this nature. And also some  9 troubleshooting where there may be  10 problems on the unit to try to kind of  11 correct those problems from a -- what is  12 the word they use? The people that kind  13 of troubleshoot problems in the hospital.  14 There's a word for it.  15 Q. Consultant?  16 A. Not really a consultant.  17 Like maybe risk management type thing.  18 Q. Okay. So was your position  19 administrative?  20 A. It was --  21 Q. Clerical?  22 A. -- under nursing.  23 Q. You were not a nurse, were  24 you?</p>
<p style="text-align: right;">Page 83</p> <p>1 it.  2 Q. So I had asked you about  3 your last job. And you know what, last  4 evening you supplied us with some  5 documents. And one of those is your  6 resume.  7 A. Yes.  8 Q. Is this your resume that you  9 sent to us yesterday, sent in response to  10 the request for documents?  11 A. That's correct.  12 Yes.  13 Q. So according to your resume,  14 you worked at Elmhurst Hospital 1991 to  15 '98 and then also in a different job from  16 1998 to 2000.  17 A. A different job?  18 Q. A different position?  19 A. Oh, at Elmhurst. Yes.  20 That's correct.  21 Q. So, the position that you  22 held from 1998 to 2000, the second  23 position, what was that job? What was it  24 called?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. No, but they trained us.  2 There was a special program that the  3 nursing department trained us for.  4 Q. And you were not providing  5 clinical care to patients, were you?  6 A. In a sense, we were helping  7 the office staff on many levels. The  8 position called for a bachelor's degree.  9 And we were like a supplemental ancillary  10 help to the nursing staff.  11 So if -- where the risk  12 management stuff came in was with the --  13 when a patient had like a decompensation,  14 if they had an outburst on the unit, you  15 know, kind of talk them down and things  16 like that.  17 Q. You would be involved in  18 that process?  19 A. There was a team. And I  20 would be -- one of my unit's  21 representative member for that team of  22 responding to those types of  23 interventions in a very therapeutic  24 manner.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. So looking at your resume --</p> <p>2 so that position ends in the year 2000.</p> <p>3 A. Something like that. Yeah.</p> <p>4 1999, 2000. It was right before I went</p> <p>5 to medical school. So I went to medical</p> <p>6 school around 2000.</p> <p>7 Q. So the medical school in</p> <p>8 Belize that you mentioned earlier, St.</p> <p>9 Matthew's, is not identified on your</p> <p>10 resume.</p> <p>11 A. Oh.</p> <p>12 Q. Is that -- where does that</p> <p>13 fit in?</p> <p>14 A. That fits in 2000 to 2002.</p> <p>15 I didn't graduate from St. Matthew's.</p> <p>16 Q. We'll come back to that in a</p> <p>17 minute. Let's follow through on the</p> <p>18 jobs --</p> <p>19 A. Sure.</p> <p>20 Q. -- chronology of the jobs.</p> <p>21 So you had these two positions at</p> <p>22 Elmhurst Hospital.</p> <p>23 A. That was pre-medical school.</p> <p>24 Q. Pre-medical school. And</p>	<p style="text-align: right;">Page 88</p> <p>1 the IRB and conducting studies on aging.</p> <p>2 Q. Was there a primary</p> <p>3 researcher that you worked under?</p> <p>4 A. There were a couple.</p> <p>5 Q. Do you remember who they</p> <p>6 were?</p> <p>7 A. One was John Fox.</p> <p>8 Q. Was he a psychiatrist?</p> <p>9 A. A Ph.D. And he's the main</p> <p>10 one I took direction from.</p> <p>11 Q. And it was his lab, his</p> <p>12 research?</p> <p>13 A. Yeah. Mm-hmm.</p> <p>14 Q. Why did you leave that</p> <p>15 position in 2007?</p> <p>16 A. It was a two-year kind of</p> <p>17 like a fellowship program. So it's kind</p> <p>18 of like after two years, it was over.</p> <p>19 Q. And was that a full-time</p> <p>20 position?</p> <p>21 A. It was.</p> <p>22 Q. Do you recall what your</p> <p>23 salary was or what your earnings were?</p> <p>24 A. At that time, I think it was</p>
<p style="text-align: right;">Page 87</p> <p>1 then you attended medical school. And</p> <p>2 then there's a position at Nathan Kline</p> <p>3 Institute for Psychiatric Research.</p> <p>4 A. Right.</p> <p>5 Q. And that's --</p> <p>6 A. In Orangeburg.</p> <p>7 Q. Orangeburg, New York.</p> <p>8 September 2005 to September 2007. So two</p> <p>9 years.</p> <p>10 A. Mm-hmm.</p> <p>11 Q. And what was your position</p> <p>12 there?</p> <p>13 A. Research oriented,</p> <p>14 psychiatric research. I was studying</p> <p>15 aging in the laboratory there.</p> <p>16 Q. Were you paid?</p> <p>17 A. And I was involved --</p> <p>18 Q. Was that a paid position?</p> <p>19 A. That was a paid position.</p> <p>20 Yes.</p> <p>21 Q. And were you a researcher?</p> <p>22 What was your title?</p> <p>23 A. I think they called it</p> <p>24 fellow in aging. That dealt a lot with</p>	<p style="text-align: right;">Page 89</p> <p>1 between 40 and 46,000.</p> <p>2 Q. When that position ended,</p> <p>3 did you try to locate any other positions</p> <p>4 in the same institution?</p> <p>5 A. Chasing research jobs. I</p> <p>6 had a couple of associates that I had,</p> <p>7 business associates, and that's where the</p> <p>8 other came in at the Alamance Regional.</p> <p>9 Q. I want to -- you have to</p> <p>10 explain that a little bit better to me,</p> <p>11 the chasing research jobs.</p> <p>12 A. Yeah. In other words, I</p> <p>13 didn't have a secure position to go into</p> <p>14 next. So there were a couple of projects</p> <p>15 that I kind of was told about and that I</p> <p>16 pursued. And that was one of them, in</p> <p>17 Alamance.</p> <p>18 Q. Mentioned business</p> <p>19 associates. What does that mean?</p> <p>20 A. People that I knew in the</p> <p>21 field of research.</p> <p>22 Q. People that you worked with?</p> <p>23 A. Yes.</p> <p>24 Q. You mean, just people who</p>

<p style="text-align: right;">Page 90</p> <p>1 you worked with and they recommended,  2 trying to get --  3 A. Yeah. It was kind of like  4 utilizing your network of people and --  5 Q. According to your resume,  6 you finished the job at Nathan Kline  7 Institute September 2007. And you  8 started the next job at Alamance Regional  9 Medical Center in September 2007. So it  10 was kind of one job to the next?  11 A. Yeah. Yeah. That's true.  12 Q. And that job was in North  13 Carolina?  14 A. Right.  15 Q. And you did that job from  16 September 2007 to July 2008, about nine  17 months --  18 A. Mm-hmm.  19 Q. -- ten months; is that  20 right?  21 A. Mm-hmm.  22 Q. That's a "yes?"  23 A. Yes. I'm sorry.  24 Q. What was your position</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Not too much anymore. No.  2 Q. How about with John Fox?  3 A. Not too much. Not since  4 that period of time.  5 Q. Now, after July of 2008, you  6 don't list any further jobs on your  7 resume. Was that job at Alamance your  8 last job?  9 A. Pretty much the last time I  10 worked. Yes.  11 Q. When you say "pretty  12 much" --  13 A. Well, there's been some  14 small projects that I didn't list on the  15 CV that I didn't it was pertinent.  16 Q. What sorts of projects?  17 A. Like the one that brought me  18 to New Mexico.  19 Q. What was that?  20 A. That was, basically, kind of  21 doing -- utilizing the MHA degree and  22 kind of overseeing kind of office staff.  23 But it wasn't -- that, too, was  24 temporary, six months.</p>
<p style="text-align: right;">Page 91</p> <p>1 there? Was it again research fellow?  2 A. No. It wasn't. It was more  3 like a project, kind of like consultant.  4 It was help setting up the laboratory for  5 neuropsych, electrophysiology laboratory.  6 Q. So you helped set up an  7 electrophysiology lab?  8 A. Yes. Among other things  9 that are listed there.  10 Q. Why did you leave that  11 position after approximately ten months?  12 A. It was just a temporary kind  13 of a thing. It's like a project.  14 Q. So the reason you left that  15 position was because it was a temporary  16 position and it ended?  17 A. Yes.  18 Q. Who did you work under  19 there?  20 A. David Durham.  21 Q. Was he a Ph.D.?  22 A. M.D.  23 Q. Do you still have any  24 contact with David Durham?</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. So you got a temp job. Was  2 it referred to a temporary job or was --  3 A. Yeah, it was temporary.  4 Q. Let me make sure I finish my  5 question. Okay?  6 So after the Alamance job  7 ended, the next job that you had was in  8 New Mexico?  9 A. Correct. But that was just  10 a short project.  11 Q. Who were you working for  12 there?  13 A. It was a company called  14 NMPS, New Mexico Psychiatric Services.  15 Q. Was that part of the New  16 Mexico government?  17 A. No.  18 Q. So it was a private company?  19 A. Yeah, yeah. Private.  20 Q. Private provider?  21 A. Yes.  22 Q. Was it a hospital-based  23 provider?  24 A. Hospital based, yes.</p>

<p style="text-align: right;">Page 94</p> <p>1 Q. Who was your actual 2 employer? 3 A. It was a guy by the name of 4 Mirin. Mirin is the last name. 5 Q. You don't remember a first 6 name? 7 A. No. Just Mirin. 8 Q. Spelled how? 9 A. M-I-R-I-N. 10 Q. A Ph.D. or -- 11 A. I think an M.D. 12 Q. And was it his company? 13 A. Yes. 14 Q. He owned or ran -- 15 A. I guess, yeah. I didn't 16 know very much. I just was kind of 17 temping there. 18 Q. And when you say you were 19 temping there, did you apply for the job 20 when you were living in North Carolina? 21 A. Yes. 22 Q. And so you were looking 23 nationally for jobs? 24 A. Yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Yeah. 2 Q. Oh, that's funny. So they 3 capitalize on their fame. 4 A. That's about all they 5 capitalize on. 6 Q. After that temporary project 7 ended at New Mexico Psych Services -- 8 A. Came here. 9 Q. You returned to 10 Pennsylvania? 11 A. Yes. 12 Q. Earlier you told me that you 13 moved back to Stroudsburg in 2011. 14 A. Mm-hmm. 15 Q. So between 2008 and 2011, 16 what were you doing? 17 A. Between 2008 and 2011, I had 18 been staying -- my wife and I were 19 staying in Ohio for a little while. My 20 wife got a job in the Cleveland Clinic as 21 an instructor for the child care center 22 there. 23 Q. Did you have any connection 24 or did she --</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. And was -- 2 A. This was another one of 3 those networking things, you know, 4 somebody who knew someone. 5 Q. And did you move to New 6 Mexico knowing that it was just a 7 temporary project? 8 A. Yeah. And I had thought 9 that maybe there was potential in New 10 Mexico, if I was able to get the boards 11 done, maybe do residency there. Then 12 maybe it offered some opportunity because 13 I knew there was a big physician shortage 14 there. 15 Q. How long did that project 16 last? 17 A. Six months. 18 Q. And was it in Roswell? 19 A. Mm-hmm. Yes. Sorry. 20 Q. Isn't Roswell where the -- 21 A. Yes. That's correct. And 22 it's a strange place. The street lights 23 have alien heads. 24 Q. Have alien heads?</p>	<p style="text-align: right;">Page 97</p> <p>1 A. I had a connection in Ohio. 2 And for a short period of time, we 3 remained there. 4 Q. 2008 to 2011? 5 A. Before -- actually, that was 6 before New Mexico. That was before New 7 Mexico. 8 Q. Living in Ohio? 9 A. Yeah. Yeah. 10 Q. So -- 11 A. And I wasn't working at that 12 time. I had gone to Ohio. I had a 13 business associate who stated that there 14 was a position available there in the 15 Veterans Affairs in the medical records 16 department. And that position never came 17 to fruition. I had interviewed for it 18 and, basically, it just never happened. 19 I didn't get it. 20 Q. So let me make sure I have 21 the chronology right. 22 You were in North Carolina 23 September 22, 2007 to July 2008. And 24 after July of 2008, you moved to Ohio.</p>

<p style="text-align: right;">Page 98</p> <p>1 A. After North Carolina.  2 That's correct. I had interviewed for  3 that job while we were in North Carolina,  4 the job I just told you about.  5 Q. And this was at a VA  6 hospital?  7 A. Yes.  8 Q. And where in Ohio was that?  9 A. In the Cleveland area.  10 Q. So you had interviewed for a  11 job while you were still in North  12 Carolina, you thought you would get it,  13 you moved to Cleveland, and then you --  14 A. My wife got a job pretty  15 quickly. She was holding the fort while  16 I was trying to study for boards.  17 Q. When you refer to the  18 boards, you are talking about the USMLE?  19 A. Correct.  20 Q. How long did you stay in  21 Ohio?  22 A. Up until going to New  23 Mexico, which was right around 2010, I  24 want to say.</p>	<p style="text-align: right;">Page 100</p> <p>1 moved back because my dad passed,  2 unexpectedly passed.  3 And in theory, we were going  4 to try to help my mother out, but she's  5 turning out to kind of help us out. Took  6 kind of pity on our situation.  7 Q. So no employments from the  8 time you left New Mexico. Have you tried  9 to get employment --  10 A. Oh, yeah.  11 Q. -- in the Stroudsburg area?  12 A. Stroudsburg, the new  13 hospital is being built here for St.  14 Luke's.  15 Yeah. And Sanofi is a big  16 one that I have been trying to get into,  17 but apparently you have to know people.  18 Q. What is Sanofi?  19 A. That's the big  20 pharmaceutical vaccination company that's  21 actually right here in Swiftwater, right  22 up 611. I applied to numerous positions.  23 Nobody calls you back.  24 Q. Do you keep a record of --</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. So you did not get any  2 employment --  3 A. No.  4 Q. -- while in Ohio?  5 A. No.  6 Q. And then moved to -- why did  7 you move to New Mexico?  8 A. For that temporary position.  9 Q. So your wife left her job in  10 Ohio because you got a job, a temp job?  11 A. She wasn't that happy there,  12 I guess. That was one of the reasons,  13 too. And she wanted to move on to other  14 venues.  15 Q. Where did you meet her?  16 A. We worked together in  17 Elmhurst Hospital as clerks.  18 Q. So she's a New Yorker, too?  19 A. She is. Yeah.  20 Q. So you lived in New Mexico  21 for about -- from what years was that,  22 2009 or '10?  23 A. '10, to around 2011.  24 November is when we moved here. And we</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Sure.  2 Q. -- the positions you've  3 applied for?  4 A. Yeah.  5 Q. That was one of the things I  6 asked for.  7 A. Yes. I didn't see the  8 relevance. I wanted to understand where  9 you're coming from.  10 Q. Well, I will try to explain  11 it in a sentence or two what I think the  12 relevance of that is.  13 And that is that you are  14 asking for damages to compensate you for  15 the loss of a career.  16 A. Yes.  17 Q. And that has to be compared  18 against something else.  19 A. Okay.  20 Q. And a person who brings a  21 lawsuit and claims a loss of earnings --  22 A. When you say "something  23 else," what do you mean?  24 Q. That has to be compared to</p>

<p style="text-align: right;">Page 102</p> <p>1 what you might otherwise be earning.  2 If you could earn \$100,000 a  3 year as an artist, for example. If one  4 could, if you could, and then you were --  5 but you didn't do that.  6 A. Right.  7 Q. And you were claiming that  8 you lost the opportunity to earn money as  9 a doctor, then the money that you could  10 have been earning as an artist comes into  11 play as to what they call mitigation.  12 A. Okay. I didn't understand  13 where you were coming from.  14 Q. That's fine. I'm  15 explaining. So that's why I'm asking you  16 about your efforts to mitigate your  17 losses.  18 A. Okay.  19 Q. And that's why I have asked  20 about employment.  21 A. Okay.  22 Q. So --  23 A. I have a record.  24 Q. So I'm going to ask, then,</p>	<p style="text-align: right;">Page 104</p> <p>1 you all that.  2 Q. Great.  3 And do you have that  4 material even going further back than  5 Stroudsburg? For example, in New Mexico?  6 A. Probably not.  7 Q. So I'm going to ask for  8 whatever you do have that you provide.  9 A. There was an interview that  10 I didn't get when I was in New Mexico, in  11 the Phoenix area, in the southwest. But  12 I have may have the e-mails for that.  13 Q. What types of positions have  14 you been applying for in Pennsylvania?  15 A. Entry level manager, even  16 below. You know, anything in the  17 healthcare-related field, in an  18 administrative capacity, in a research  19 development capacity.  20 Q. And in since you have moved  21 back here in 2011, have you had any  22 interviews?  23 A. No. None.  24 Q. Not a single interview?</p>
<p style="text-align: right;">Page 103</p> <p>1 that you provide those documents that  2 we've requested.  3 A. I'll send it as a PDF.  4 Q. And that, just so we're  5 clear.  6 A. Some things that you ask for  7 I didn't send because I didn't understand  8 the relevance or the application where  9 you were coming from.  10 Q. Just so we're clear, what  11 I'm asking for is since you've returned  12 to Pennsylvania --  13 A. Sure.  14 Q. -- all the jobs that you  15 have applied for.  16 A. Now, I do -- in going  17 through the archives, I have most of the  18 jobs, but there are countless amounts of  19 jobs that you just do electronically  20 online.  21 Typically, you get a  22 response back in your e-mail box, like on  23 a certification, that you applied for  24 such and such a position. So I can give</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Not a single stitch of  2 interview.  3 Q. And typically, when you  4 apply, do you send a cover letter?  5 A. Yes.  6 Q. And you've retained all that  7 information or whatever you have, you  8 will be able to provide to us?  9 A. I can give you the -- I can  10 give you the job sites that I use. And  11 there's some -- all the jobs that I've  12 applied to there. And I can give you the  13 confirmation e-mail that I applied to the  14 job.  15 Q. And what I was just asking  16 about for cover letters is, typically is  17 there something else other than an online  18 application and a receipt that they print  19 out that you --  20 A. You know what, I have a  21 generic cover letter and I just change  22 the managers and the business names. And  23 that generic one gets doctored to meet  24 the needs of that position that I'm</p>



<p style="text-align: right;">Page 106</p> <p>1 applying to.</p> <p>2 Q. So in your electronic</p> <p>3 archives that you do have, do you save</p> <p>4 those cover letters?</p> <p>5 A. I don't know if I always</p> <p>6 keep them.</p> <p>7 Q. Okay. Fair enough.</p> <p>8 Obviously, we're just asking</p> <p>9 for what you do have.</p> <p>10 A. I'll give you what I have.</p> <p>11 So, this was the job search</p> <p>12 history you need?</p> <p>13 Q. Right.</p> <p>14 A. Okay.</p> <p>15 Q. Going back to your education</p> <p>16 for a minute --</p> <p>17 A. Sure.</p> <p>18 Q. In the time that you were at</p> <p>19 Parsons, did you ever have any</p> <p>20 disciplinary issues?</p> <p>21 A. I don't understand the</p> <p>22 question.</p> <p>23 Q. At colleges and</p> <p>24 universities, typically there is a</p>	<p style="text-align: right;">Page 108</p> <p>1 average, probably around a 3.3 or so.</p> <p>2 Q. And at Old Westbury, did you</p> <p>3 have any disciplinary issues?</p> <p>4 A. Never.</p> <p>5 Q. And did you get any awards</p> <p>6 there?</p> <p>7 A. I believe that I may have</p> <p>8 made the honor roll, the dean's list. I</p> <p>9 guess in college they call it the dean's</p> <p>10 list, after my anxiety disorder was</p> <p>11 accommodated for.</p> <p>12 Q. Now, during the time that</p> <p>13 you were at Parsons, did you ever have</p> <p>14 any kind of mental health treatment?</p> <p>15 A. Depression.</p> <p>16 Q. Before you ever went to</p> <p>17 Parsons, did you ever have any mental</p> <p>18 health treatment?</p> <p>19 A. Before Parsons? Just</p> <p>20 neurological, just for the seizure</p> <p>21 disorder.</p> <p>22 Q. So, when you were at</p> <p>23 Parsons, you were treated for depression?</p> <p>24 A. Correct.</p>
<p style="text-align: right;">Page 107</p> <p>1 disciplinary system that can charge a</p> <p>2 student with, you know, you violated our</p> <p>3 disciplinary code by doing X, Y, Z. And</p> <p>4 then they can have a hearing.</p> <p>5 A. No, nothing like that.</p> <p>6 Q. That's my question. Were</p> <p>7 you ever charged with any kind of</p> <p>8 violation of a disciplinary --</p> <p>9 A. Never.</p> <p>10 Q. -- nature?</p> <p>11 A. I'm a good guy. I never</p> <p>12 really had any violations in my life.</p> <p>13 Q. Did you -- at Parsons, did</p> <p>14 you get any awards?</p> <p>15 A. The scholarship for artistic</p> <p>16 merit, partial scholarship to go to the</p> <p>17 university. And special distinction at</p> <p>18 graduation for my artistic abilities.</p> <p>19 Q. And I may have asked this,</p> <p>20 what was your graduating GPA at Parsons?</p> <p>21 A. At Parsons, I guess around a</p> <p>22 3.64.</p> <p>23 Q. How about at Old Westbury?</p> <p>24 A. I want to say like a B</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Was that through the school</p> <p>2 or was that separate from the school?</p> <p>3 A. Separate.</p> <p>4 Q. Who did you go to?</p> <p>5 A. I remember it was a</p> <p>6 counseling service in Forest Hills,</p> <p>7 Queens, but I don't remember the name.</p> <p>8 Q. Do you remember the</p> <p>9 counselor or psychiatrist or psychologist</p> <p>10 that you saw?</p> <p>11 A. I don't remember.</p> <p>12 Q. Do you remember how many</p> <p>13 times you went there?</p> <p>14 A. I went weekly probably for</p> <p>15 several months, but I don't remember</p> <p>16 where -- I remember it was in Forest</p> <p>17 Hills, Queens, but I don't remember the</p> <p>18 name or who was treating me. I just</p> <p>19 remember it was a woman.</p> <p>20 Q. You can't remember the name</p> <p>21 of the facility?</p> <p>22 A. No.</p> <p>23 Q. Or the doctor?</p> <p>24 A. No.</p>



Page 110	Page 112
<p>1 It's a long time ago.</p> <p>2 Q. Did you get any medication</p> <p>3 at that time for depression?</p> <p>4 A. At that time, I don't</p> <p>5 remember -- I don't remember. I don't</p> <p>6 think so. I think it was just talking.</p> <p>7 It was like sessions, like therapy.</p> <p>8 Q. And was that the first time</p> <p>9 in your life --</p> <p>10 A. Yes.</p> <p>11 Q. -- that you saw a counselor</p> <p>12 for depression?</p> <p>13 A. Yes.</p> <p>14 Q. And leaving aside the</p> <p>15 neurological issue about seizures, that</p> <p>16 was the first time that you anywhere at</p> <p>17 any time that you had seen a mental</p> <p>18 health provider?</p> <p>19 A. I think that's fair to say.</p> <p>20 Q. And what led you to get that</p> <p>21 counseling?</p> <p>22 A. A break up with a girlfriend</p> <p>23 at the time.</p> <p>24 Q. And is that the</p>	<p>1 moved up here and left me in New York to</p> <p>2 fend for myself.</p> <p>3 Q. Did your brother still live</p> <p>4 in New York?</p> <p>5 A. No. He moved up here with</p> <p>6 them.</p> <p>7 Q. When was the next time in</p> <p>8 your life that you had any kind of mental</p> <p>9 health treatment or that you consulted</p> <p>10 with a psychologist, psychiatrist,</p> <p>11 counselor of any kind?</p> <p>12 A. What year are we talking?</p> <p>13 Where are we now?</p> <p>14 Q. You told me that you</p> <p>15 finished -- after Parsons.</p> <p>16 A. After Parsons, I was in Old</p> <p>17 Westbury, Queens College, Old Westbury.</p> <p>18 I had met Grisel around -- after that</p> <p>19 breakup. I believe that the main issues</p> <p>20 that I was experiencing around that time</p> <p>21 was board related, was the next time that</p> <p>22 I consulted mental health professionals,</p> <p>23 that I was having trouble with anxiety</p> <p>24 again and tests. And it was right around</p>
Page 111	Page 113
<p>1 fiancée that --</p> <p>2 A. No, no. It's before her,</p> <p>3 predated her.</p> <p>4 Q. The fiancée's name was what?</p> <p>5 A. Grisel.</p> <p>6 Q. Grisel. And this is before</p> <p>7 Grisel?</p> <p>8 A. Right.</p> <p>9 Q. Would you characterize that</p> <p>10 as a situational relating to a breakup?</p> <p>11 A. Situational and probably</p> <p>12 other things. I was dealing with a lot.</p> <p>13 My parents had moved away,</p> <p>14 you know, I was still kind of a kid,</p> <p>15 20-years old I guess. I was dealing with</p> <p>16 a lot, a lot of being on my own for the</p> <p>17 first time. 19 years old, 20 years old.</p> <p>18 The breakup was a component of it, but</p> <p>19 there were other factors. There were</p> <p>20 other factors.</p> <p>21 Q. Do you remember any of</p> <p>22 those?</p> <p>23 A. Just I remember -- I felt</p> <p>24 somewhat like abandonment that my parents</p>	<p>1 that time that I began, you know, doing</p> <p>2 some research on what was wrong with me.</p> <p>3 Q. Before we get to that, after</p> <p>4 Parsons you went to Queens College then</p> <p>5 you went to Old Westbury and you already</p> <p>6 described that while you were at Old</p> <p>7 Westbury, you went to a doctor --</p> <p>8 A. Yes.</p> <p>9 Q. -- and were diagnosed with</p> <p>10 test anxiety.</p> <p>11 A. That's correct.</p> <p>12 Q. Was there any kind of like</p> <p>13 mental health treatment or therapy</p> <p>14 associated with that?</p> <p>15 A. In terms of -- can you be</p> <p>16 more specific? I don't know what you are</p> <p>17 looking for.</p> <p>18 Q. Did you get any kind of</p> <p>19 medication from that doctor related to</p> <p>20 your diagnosed test anxiety?</p> <p>21 A. No.</p> <p>22 Q. Did you participate in any</p> <p>23 kind of counseling around it?</p> <p>24 A. Counseling around?</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. Around the test anxiety that</p> <p>2 that doctor diagnosed.</p> <p>3 A. Just prior to that time when</p> <p>4 I had the breakup and my parents had</p> <p>5 moved away, that was all culminated</p> <p>6 around that time when I was seeing a</p> <p>7 therapist.</p> <p>8 Q. Okay. I want to try to make</p> <p>9 sure I understand the chronology. So you</p> <p>10 described a few months, is what you said,</p> <p>11 that you saw a counselor --</p> <p>12 A. Several months.</p> <p>13 Q. -- for a few months, several</p> <p>14 months while you were in Parsons.</p> <p>15 A. While I was in Parsons.</p> <p>16 That's right.</p> <p>17 Q. So now we're a couple of</p> <p>18 years later after Parsons when you were</p> <p>19 going to Old Westbury --</p> <p>20 A. Yes.</p> <p>21 Q. -- and you had already --</p> <p>22 you were in, at least, your second year</p> <p>23 at Old Westbury --</p> <p>24 A. Right.</p>	<p style="text-align: right;">Page 116</p> <p>1 remember them too well.</p> <p>2 Q. After you were diagnosed</p> <p>3 with test anxiety and then you went to --</p> <p>4 you had some group involvement at Old</p> <p>5 Westbury through the disability office</p> <p>6 there, when was the next time that you</p> <p>7 sought a mental health provider?</p> <p>8 A. Okay. So, you're talking</p> <p>9 about -- what year are you asking me for?</p> <p>10 Q. I don't know. That's what</p> <p>11 I'm asking you.</p> <p>12 A. Where are we in time?</p> <p>13 Because we're all over the place</p> <p>14 chronologically. Was year are you asking</p> <p>15 about?</p> <p>16 Q. We took --</p> <p>17 A. Or what period of time.</p> <p>18 Q. Well, I'm trying to</p> <p>19 establish a chronology. And so far, we</p> <p>20 have that you saw someone while at</p> <p>21 Parsons for a few months.</p> <p>22 A. Several months.</p> <p>23 Q. Several months. And then</p> <p>24 when you were at Old Westbury, you saw a</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. -- that you went to see a</p> <p>2 doctor about and learned that you were</p> <p>3 diagnosed then with test anxiety.</p> <p>4 A. Right. And then the</p> <p>5 discussion I remember at that time was,</p> <p>6 do you want to start taking an</p> <p>7 anxiolytic, take a pill for anxiety, but</p> <p>8 I didn't want to take any pills. So I</p> <p>9 just did the best I could with the</p> <p>10 disability and work extra hard and with</p> <p>11 the accommodation I was able to do okay.</p> <p>12 Q. Okay.</p> <p>13 A. I actually did better with</p> <p>14 the accommodation.</p> <p>15 Q. And was there any counseling</p> <p>16 or therapy at that time?</p> <p>17 A. Just with the testing center</p> <p>18 at the college, but that was it. It was</p> <p>19 like groups and stuff.</p> <p>20 Q. And what were those groups</p> <p>21 like? Did they address like study</p> <p>22 skills, that sort of thing?</p> <p>23 A. I think stress management</p> <p>24 and stuff like that, but I don't really</p>	<p style="text-align: right;">Page 117</p> <p>1 family doctor who diagnosed you with test</p> <p>2 anxiety, but there was no real counseling</p> <p>3 with that doctor or any other mental</p> <p>4 health provider, but you attended some</p> <p>5 group sessions through the office of</p> <p>6 disabilities.</p> <p>7 A. Right.</p> <p>8 Q. So chronologically, what is</p> <p>9 the next point in time?</p> <p>10 A. So at that year, we're about</p> <p>11 19 -- this is prior to going to medical</p> <p>12 school in 2000. So we're about in the</p> <p>13 '90s, late '90s now. Is that correct?</p> <p>14 So the next time I would</p> <p>15 have seen someone to figure out what was</p> <p>16 going on was probably around 2003.</p> <p>17 Q. Okay.</p> <p>18 A. And that's when I consulted</p> <p>19 St. John's psychological services.</p> <p>20 Q. So between --</p> <p>21 A. Late '90s to early 2000s.</p> <p>22 Q. And during that time, you</p> <p>23 weren't seeing any mental health</p> <p>24 providers?</p>

<p style="text-align: right;">Page 118</p> <p>1 A. One doctor by the name of</p> <p>2 Ubaldo leli because I was having problems</p> <p>3 with depression.</p> <p>4 Q. Do you remember when that</p> <p>5 was?</p> <p>6 A. That was probably right</p> <p>7 around 2000.</p> <p>8 Q. And is he in New York?</p> <p>9 A. He is.</p> <p>10 Q. And did you see him only one</p> <p>11 time?</p> <p>12 A. I saw him twice, I believe.</p> <p>13 He was reluctant to start me on Prozac</p> <p>14 medication. He said let's see how you do</p> <p>15 with cognitive behavior type stuff and</p> <p>16 coping on your own and if down the pike,</p> <p>17 if you want to come back to me. I think</p> <p>18 there was a problem with insurance and I</p> <p>19 don't think I was able to afford him.</p> <p>20 So for a period of time, I</p> <p>21 wasn't able to seek getting help because</p> <p>22 I had no health insurance. Because the</p> <p>23 job at Elmhurst was over and that was the</p> <p>24 only insurance that I had. So I remember</p>	<p style="text-align: right;">Page 120</p> <p>1 you apply for accommodations on that</p> <p>2 test?</p> <p>3 A. I didn't really know about</p> <p>4 accommodations back then.</p> <p>5 Q. Okay. You had been</p> <p>6 receiving accommodations at Old Westbury;</p> <p>7 correct?</p> <p>8 A. Correct, but I didn't know</p> <p>9 what was entailed. I didn't even know</p> <p>10 really what was wrong with me other than</p> <p>11 I used to freak out and have anxiety</p> <p>12 attacks during exams. But I didn't have</p> <p>13 the intrapersonal insight to understand</p> <p>14 all of this at that point when I applied,</p> <p>15 when I was applying.</p> <p>16 This is pretty early in the</p> <p>17 game, you know, applying for medical</p> <p>18 schools. So, during the period, I didn't</p> <p>19 make that jump from, here I am, in</p> <p>20 college, getting these accommodations and</p> <p>21 now I have this MCAT exam that I just</p> <p>22 didn't know about it. I didn't know how</p> <p>23 to go about it. I didn't have anybody</p> <p>24 properly guiding me and saying, okay, you</p>
<p style="text-align: right;">Page 119</p> <p>1 there was a finance problem.</p> <p>2 Q. And that was early 2000s?</p> <p>3 A. That's probably 2000.</p> <p>4 Ubaldo Leli, the doctor in Manhattan,</p> <p>5 then the issues with the boards kicked in</p> <p>6 around 2003.</p> <p>7 Q. Let me just make sure I</p> <p>8 understand your medical school situation.</p> <p>9 First of all, when did you</p> <p>10 first take the GMAT?</p> <p>11 A. I never took the GMAT.</p> <p>12 Q. You never took the GMAT.</p> <p>13 A. No. That's for graduate</p> <p>14 school.</p> <p>15 Q. I'm sorry, the MCAT. I'm</p> <p>16 sorry, I misspoke.</p> <p>17 Did you take the medical</p> <p>18 admissions test?</p> <p>19 A. Yeah. Yeah, I did. I did.</p> <p>20 I didn't fair very well.</p> <p>21 Q. How many times did you take</p> <p>22 that?</p> <p>23 A. I think twice.</p> <p>24 Q. When you took the MCAT, did</p>	<p style="text-align: right;">Page 121</p> <p>1 got this disorder, you're going to need</p> <p>2 these accommodations in order to do well.</p> <p>3 Q. How about Mr. --</p> <p>4 A. I just worked hard.</p> <p>5 Q. How about Mr. Lupardo?</p> <p>6 A. Mr. Lupardo did what he</p> <p>7 could to help my anxiety during the exams</p> <p>8 for the school. But this is a different</p> <p>9 animal, the MCAT. That was a big</p> <p>10 standardized test. I don't think there</p> <p>11 was much support in that realm.</p> <p>12 Q. And my question was, did Mr.</p> <p>13 Lupardo give you any kind of counseling</p> <p>14 about taking the MCAT?</p> <p>15 A. I remember that there was an</p> <p>16 advisor for this purpose.</p> <p>17 Q. At Old Westbury?</p> <p>18 A. Yes. And I dealt with that</p> <p>19 advisor who was one of the professors for</p> <p>20 organic chemistry, who had a lot of</p> <p>21 training with student services. And he</p> <p>22 is the person that I -- he was kind of</p> <p>23 like -- what do you call these people?</p> <p>24 Like an advisor or guidance person for</p>

<p style="text-align: right;">Page 122</p> <p>1 the MCAT exam. And he was the person 2 that I would go and -- that was his role. 3 Mr. Lupardo, I think, was 4 dealing more with the daily functioning 5 of the disabilities of the community of 6 the university. But this individual was 7 in the science department and that was 8 his role to deal with that kind of stuff. 9 And I did discuss some of 10 this with him, but I don't remember the 11 exact advice that he gave me. 12 Q. What was his name? 13 A. Hoyt. H-O-Y-T. 14 Q. First name? 15 A. Robert. I think that was 16 his name. 17 Q. So, you said you didn't fair 18 very well on the MCAT. Do you remember 19 your scores? 20 A. Like it was out of 30, 21 right? Out of 30, I think I got a 16 or 22 something. 23 I remember you needed like 24 8s across the board to get into a good</p>	<p style="text-align: right;">Page 124</p> <p>1 going to get me there, so I applied any 2 way to a couple of the schools that I 3 thought would be the right schools to 4 apply to. But based on their record, you 5 needed to really have a certain score on 6 the MCAT. And I didn't. That's what led 7 me to foreign programs. 8 Q. So you applied to some 9 schools in the United States but didn't 10 get in? 11 A. That's correct. 12 Q. And did you apply to more 13 than one medical school -- foreign 14 medical school? 15 A. Yes. 16 Q. And did you get in to more 17 than one? 18 A. Yes. 19 Q. And where else did you get 20 other than St. Matthew's? 21 A. Ross. St. Matthew's and 22 then I applied to -- I think I applied to 23 St. George, but they didn't take me. And 24 then I applied to St. Christopher's from</p>
<p style="text-align: right;">Page 123</p> <p>1 medical school with an unconventional 2 background. You needed like a 24 or 3 better. 4 And not surprisingly, I 5 didn't have any accommodation for that 6 and I probably needed it. That was the 7 key. 8 I remember reading the 9 passages and my reading comprehension 10 wasn't fast enough for the test. 11 Q. So, did you apply to 12 multiple med schools? 13 A. Multiple med schools? 14 Q. Did you apply to more than 15 one medical school? 16 A. In the US? 17 Q. Wherever. 18 A. Yeah, sure I did. 19 Q. Did you apply to schools in 20 the United States? 21 A. Sure I did. 22 Q. And did you get into any of 23 them? 24 A. Well, my MCAT score wasn't</p>	<p style="text-align: right;">Page 125</p> <p>1 St. Matthew's. 2 Q. That's what I wanted to 3 figure out because I didn't understand 4 that sequence. So, hang on one second. 5 You were accepted at Ross 6 but didn't go? 7 A. No. I did go for one 8 semester. That's when I had the problem 9 with Dr. Leli. That's when I came back. 10 Q. At Ross? 11 A. Yes. I did go, but I 12 didn't -- I stood, but I was basically 13 sick. I got sick. 14 Q. Let's start that again 15 because I don't understand that. 16 A. Okay. 17 Q. So you started at Ross. 18 A. I started at Ross for one 19 semester. This was around 2000. 20 Q. Ross is in the Caribbean? 21 A. Dominica, West Indies. The 22 habitat there was too harsh for me. I 23 became anemic, physically sick and I got 24 depressed.</p>

<p style="text-align: right;">Page 126</p> <p>1 Q. So you did complete a 2 semester at Ross? 3 A. I stuck it out, but I didn't 4 pass. When I came back, that's when I 5 saw Leli. I was also treated with Prozac 6 by the doctor there at Ross, on the 7 island of Dominica. They had a campus 8 doctor, a psychiatrist. I don't remember 9 his name. 10 Q. So if we go back to our 11 discussion a few minutes ago about 12 chronology of mental health treatment -- 13 A. Oh, yeah, he's in there. 14 He's in there, right around Leli, which 15 was around, what, 2000. 16 Q. Okay. So -- 17 A. I remember he was an Indian 18 doctor. He was there to treat the 19 students for mental health problems or 20 whatever. 21 Q. Do you remember his name? 22 A. I don't remember his name. 23 Q. And he prescribed you 24 Prozac?</p>	<p style="text-align: right;">Page 128</p> <p>1 overlap with the professors because it 2 was a smaller school and that it would 3 probably be better off than a big 4 commercial production thing at Ross, 5 where you were kind of in this big 6 amphitheater, you didn't really know the 7 instructor. 8 So it helped to have overlap 9 in case you had questions. You could sit 10 and meet with the professors and get your 11 questions answered and stuff like that. 12 Q. So what year did you start 13 at Ross? Was that 2000? 14 A. I think it was the winter 15 semester. So I think it just became 16 2000. 17 Q. You mean, that was your 18 first semester in medical -- 19 A. Yes. 20 Q. -- school? You were halfway 21 through a typical academic year? 22 A. Yeah. They would start at 23 strange times. They would have the first 24 class during summertime, like September,</p>
<p style="text-align: right;">Page 127</p> <p>1 A. He did. 2 Q. And did the Prozac help? 3 A. You know, looking back now, 4 I think it made me kind of manicky. But 5 I didn't know, I didn't see that then. 6 Q. So you came back to 7 New York -- 8 A. Saw Leli. 9 Q. -- after the one semester at 10 Ross in which you stuck it out, but you 11 didn't pass; is that right? 12 A. Right. 13 Q. And saw Leli. And what were 14 you doing then? 15 Were you then thinking about 16 where you would go next to medical 17 school? 18 A. No. I already figured that 19 out from a couple of people at Ross that 20 were transferring over because they found 21 out about this school in St. Matthew's, 22 that it's created by physicians and it 23 was a smaller kind of a dynamic and a 24 more hospitable island and there was more</p>	<p style="text-align: right;">Page 129</p> <p>1 August/September. And then there would 2 be another starting class in the 3 wintertime. I started the wintertime, 4 like around December. 5 Q. Okay. And then you decided 6 to go to St. Matthew's? 7 A. Because there was -- it had 8 some good reviews in terms of the passing 9 grades for the boards and stuff like 10 that. 11 Q. So you went to St. Matthew's 12 when? 13 A. That was -- 14 Q. Did you start again in a 15 sense? 16 A. I started over. Yeah. 17 Q. And how long did you stay at 18 St. Matthew's? 19 A. Up until clinical 20 clerkships. So I did the basic sciences 21 at St. Matthew's. 22 Q. Two years? 23 A. Yeah. 24 Q. And did you then transfer?</p>



<p style="text-align: right;">Page 130</p> <p>1 A. To St. Christopher's from 2 St. Matthew's after the clinical, after 3 the basic science. 4 Q. I'm asking you. 5 A. Yes. 6 Q. That's the answer? 7 A. That's the answer. Yes. 8 Q. So after two years, you 9 transferred to St. Christopher's. 10 A. 2002. 11 Q. Where is St. Christopher's? 12 A. Senegal. But they have 13 offices here, I think. 14 Q. Where did you go? 15 A. I was just in clinical 16 clerkship. So you're in the hospital. 17 You're not in the university anymore. 18 So, in other words, this is 19 what happened. Because St. Matthew's did 20 not have clinical clerkships in the 21 northeast in the New York area, I found a 22 school that had some clerkships in the 23 New York area. And that was St. 24 Christopher's. And that was the</p>	<p style="text-align: right;">Page 132</p> <p>1 main office is in the US? 2 A. I don't know now. 3 Q. Where was it then? 4 A. It used to be, I think, in 5 Scotch Plains, New Jersey. But they 6 administratively have another office now, 7 I think, in the United States. It may be 8 Florida. I'm not certain about that. 9 Q. So was anybody at St. 10 Christopher's keeping track of you and 11 your progress -- 12 A. Absolutely. 13 Q. -- as a med student? 14 A. Absolutely. 15 Q. Did you ever meet with 16 people? 17 A. At St. Christopher's? 18 Q. Yes. 19 A. What do you mean "meet with 20 people?" For what reason? 21 Q. Well, you described that 22 they have an office in the US somewhere, 23 that their main campus is in Senegal, and 24 that you were doing clerkships in</p>
<p style="text-align: right;">Page 131</p> <p>1 motivation for... 2 Now, St. Christopher's 3 provided at Flushing Hospital pediatrics 4 and obstetrics rotations. Each one of 5 those was six weeks each. 6 After that, I contacted the 7 Veterans Affairs and I got into Northport 8 VA Hospital and I did all of my 9 clerkships, other than pediatrics and 10 obstetrics, at Northport VA with Stony 11 Brook students, but I was still 12 matriculating out of St. Christopher's. 13 Q. Did you arrange all that for 14 yourself? 15 A. I did. 16 Q. Where was the -- where is 17 St. Christopher's administratively, their 18 office? 19 A. There may be -- I haven't 20 checked in a few years, but -- I think 21 they have an office somewhere in the 22 United States, but their main campus is 23 in Senegal. 24 Q. You don't know where their</p>	<p style="text-align: right;">Page 133</p> <p>1 New York. 2 A. Right. 3 Q. So I'm trying to figure out 4 how -- what did St. Christopher's do for 5 you? How did they oversee your 6 education? 7 A. Because I would have to 8 get -- each preceptor was responsible for 9 me at the VA Hospital. And they were 10 Stony Brook professors. So they would 11 have to submit an evaluation to the main 12 office and submit -- 13 Q. Okay. That's my. 14 A. To rate me. They rated me. 15 So each preceptor was responsible for me 16 because I worked underneath them at the 17 VA. And then they would rate me and send 18 that information to medical college. 19 Q. Got it. 20 So all clerkships other 21 than -- 22 A. Flushing Hospital OB/GYN. 23 And I was actually with the Einstein -- 24 Q. And pediatrics did you say?</p>

<p style="text-align: right;">Page 134</p> <p>1 A. Yeah. I was with the  2 Einstein medical students for pediatrics  3 at Flushing Hospital.  4 Q. Were those two both at  5 Flushing Hospital?  6 A. Yes, because there's no  7 pediatric veterans.  8 Q. That makes sense.  9 A. Although they could be  10 pregnant veterans.  11 Q. And you said that all the  12 rest of your clerkships were at the VA?  13 A. In Northport.  14 Q. Where is Northport?  15 A. In Long Island.  16 Q. Long Island?  17 A. Yeah. Yes.  18 Q. And the preceptors were  19 Stony Brook faculty did you say?  20 A. Yes, most of them.  21 Q. And they reported your  22 progress to St. Christopher's?  23 A. Correct.  24 Q. So, St. Christopher's would</p>	<p style="text-align: right;">Page 136</p> <p>1 I was the first student.  2 Q. Were there also classes at  3 St. Christopher's or that St.  4 Christopher's provided?  5 A. For clinical clerkships?  6 Q. Yes.  7 A. No. I was just under the  8 auspices of the preceptor. But I did  9 attend classes at Stony Brook for various  10 instructional courses, but it wasn't  11 being matriculated, it was just for my  12 own development.  13 Q. Okay.  14 A. So I would drive to Stony  15 Brook campus and the same courses that  16 those students were receiving, I would  17 sit in and also be attending.  18 Q. So going back to your  19 medical school time at St. Matthew's in  20 Belize, in the basic science courses,  21 those are lectures?  22 A. Yes.  23 Q. And did they have exams,  24 exam components?</p>
<p style="text-align: right;">Page 135</p> <p>1 have records of you as a student for  2 those two years --  3 A. Correct.  4 Q. -- wherever St.  5 Christopher's presently resides?  6 A. Correct.  7 Q. So you would pay tuition to  8 St. Christopher's so you could go out and  9 do your clerkships. Is that how it  10 works?  11 A. I don't understand the  12 correlation you're making.  13 Q. So, when you went to St.  14 Matthew's in Belize, you would pay  15 tuition and attend classes?  16 A. Yes. Yeah.  17 Q. And then after your first  18 two years, you were out doing clerkships?  19 A. That's correct.  20 Q. And so, you would pay  21 tuition to St. Christopher's while you  22 did your clerkships and they would --  23 A. Well, they were trying to  24 establish a site at the VA. And I think</p>	<p style="text-align: right;">Page 137</p> <p>1 A. Yes.  2 Q. And were there also lab  3 courses?  4 A. Yes.  5 Q. And did you request  6 accommodations of double time at St.  7 Matthew's?  8 A. Well, this is kind of -- it  9 was kind of an informal arrangement. If  10 I was taking an anatomy exam, I would  11 sit, take the exam. And if I needed as  12 much time as I wanted to take the test, I  13 think that it was sort of informal to  14 allow me to sit longer with no formal  15 accommodation. Like there was a  16 professor there, a Ph.D. who was like the  17 student services type person. But I do  18 not believe there was any formal  19 arrangements set up for a disability for  20 anyone there. So it was informal.  21 Q. Did you investigate whether  22 there was --  23 A. I did. And I would meet  24 with the counselor, the individual I'm</p>



<p style="text-align: right;">Page 138</p> <p>1 taking about.</p> <p>2 Q. Let me finish my question.</p> <p>3 A. Sorry.</p> <p>4 Q. Did you investigate whether</p> <p>5 they had an office for students with</p> <p>6 disabilities that could grant</p> <p>7 accommodations if the student presented</p> <p>8 documentation?</p> <p>9 A. I did.</p> <p>10 Q. And what did you learn?</p> <p>11 A. I learned that I have to go</p> <p>12 and meet with this counselor every week</p> <p>13 and he would help me with my study</p> <p>14 skills.</p> <p>15 Q. And is it your testimony</p> <p>16 that there was no such thing as formal</p> <p>17 accommodations at St. Matthew's?</p> <p>18 A. I didn't see it done. And</p> <p>19 this individual was really all they had</p> <p>20 for that purpose. And I met with him on</p> <p>21 a weekly basis.</p> <p>22 Q. For two years?</p> <p>23 A. No, not so much the first</p> <p>24 semester, but the second semester I did.</p>	<p style="text-align: right;">Page 140</p> <p>1 person at St. Matthew's the ability to</p> <p>2 have extra time on exams?</p> <p>3 A. Yes.</p> <p>4 Q. And was it so informal that</p> <p>5 you could just take extra time whenever</p> <p>6 you needed it?</p> <p>7 A. No. I think the point I'm</p> <p>8 trying to make is that if you went to see</p> <p>9 this individual who was taking the role</p> <p>10 of the student advisor/counselor that he</p> <p>11 knew who the people were that were having</p> <p>12 difficulties and he tried to accommodate</p> <p>13 them.</p> <p>14 Q. Okay.</p> <p>15 A. That's the feeling that, at</p> <p>16 least, I got. I don't know about anybody</p> <p>17 else, but that's -- this is what I</p> <p>18 believe to be so.</p> <p>19 Q. Take a look in the book at</p> <p>20 Exhibit 1, please.</p> <p>21 A. Okay.</p> <p>22 Q. Am I correct that Exhibit</p> <p>23 1 -- first of all, the handwriting is</p> <p>24 your handwriting?</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. And --</p> <p>2 A. I don't think I was in such</p> <p>3 a bad position because I had -- even</p> <p>4 though I got sick at Ross, I still stood</p> <p>5 and I tried to learn something. So I</p> <p>6 kind of was primed for when I went to St.</p> <p>7 Matthew's because I repeated all that</p> <p>8 course work again. So it wasn't until</p> <p>9 the second semester when I started having</p> <p>10 some problems there.</p> <p>11 Q. And what kind of problems</p> <p>12 did you have?</p> <p>13 A. Problems focusing,</p> <p>14 concentrating, getting organized, study</p> <p>15 skills, time management. You know,</p> <p>16 depression, because I was away from home,</p> <p>17 away from family, away from loved ones.</p> <p>18 You know, I think that</p> <p>19 environment is kind of isolative and that</p> <p>20 took its toll on me. You know, being in</p> <p>21 a foreign place took a toll on e. You</p> <p>22 know, a lot of things affect you when</p> <p>23 you're in that kind of situation.</p> <p>24 Q. Did you request from that</p>	<p style="text-align: right;">Page 141</p> <p>1 A. That's correct.</p> <p>2 Q. And this is your request for</p> <p>3 accommodations on Step 2 CK; is that</p> <p>4 right?</p> <p>5 A. Step 1 and Step 2 CK is what</p> <p>6 is written on top here.</p> <p>7 Q. So take a look, the middle</p> <p>8 of that page, it says "please type or</p> <p>9 print." Do you see?</p> <p>10 A. Yes. So I checked Step 2</p> <p>11 CK.</p> <p>12 Q. So it's accommodations are</p> <p>13 requested for the following step</p> <p>14 examinations. And you checked Step 2 CK.</p> <p>15 A. That's correct.</p> <p>16 Q. So this is your application</p> <p>17 for accommodations in Step 2 CK.</p> <p>18 A. Correct.</p> <p>19 Q. And if you look at the third</p> <p>20 page, toward the bottom, it asks about</p> <p>21 college. If you've had -- well, let's</p> <p>22 see.</p> <p>23 Section D, I'm sorry. Let's</p> <p>24 look on the third page about a quarter of</p>

<p style="text-align: right;">Page 142</p> <p>1 the way down. Section D, accommodation 2 history. Do you see that? 3 A. Yes. Yes. 4 Q. And it says "standardized 5 examinations MCAT." And you checked 6 "no." 7 Am I correct that means you 8 did not have accommodations on the MCAT? 9 A. That's correct. I didn't 10 receive accommodations. 11 Q. And then the next section 12 says "medical school." And you checked 13 "no." Is that correct? 14 A. Formal accommodations? 15 Depends what you want to call 16 accommodation. 17 Q. Well, I'm -- 18 A. Formally, yeah, it would be 19 no, but there were. 20 Q. So what you said to the NBME 21 in the form was you didn't get 22 accommodations in medical school; right? 23 A. It depends what you want to 24 call accommodation. Informal</p>	<p style="text-align: right;">Page 144</p> <p>1 A. That's correct. 2 Q. And you provided the same 3 information there; is that right? 4 A. I don't know what you mean 5 by "the same information." 6 Q. If you look at page 4 under 7 accommodation history, you checked "no" 8 with respect to the MCAT. 9 A. That's correct. 10 Q. You checked "no" with 11 respect to medical school; right? Same 12 as the last one we just looked at. 13 A. Right, because informal and 14 not formal. 15 Q. And you checked "yes" for 16 college and that refers to Old Westbury? 17 A. That's correct. 18 Q. And then the last one, 19 secondary or elementary school, you said 20 the same think about the speech -- 21 A. And that's correct, too. 22 Q. And that's your signature on 23 both of those? 24 A. Correct.</p>
<p style="text-align: right;">Page 143</p> <p>1 accommodation, yes. Formal 2 accommodation, no. 3 Q. That's not what you said on 4 the form; right? The form -- 5 A. The form doesn't say any 6 other type of accommodation. It just 7 says accommodation received, but I didn't 8 include that because it wasn't anything 9 that was formally done or with paperwork 10 that I could submit to them. 11 Q. And then, for where it says 12 college, you checked "yes." Is that a 13 reference to Old Westbury? 14 A. It is. 15 Q. And then there's a reference 16 for secondary or elementary school. You 17 referred to your time when you were taken 18 out of class for speech therapy. 19 A. That's right. 20 Q. And if you look at the next, 21 number 2, Exhibit 2, this is -- am I 22 correct this is your request for 23 accommodations on Step 2 clinical skills, 24 CS; is that right?</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Now, did you ever submit any 2 other requests for accommodations other 3 than these two forms to the US -- to the 4 NBME? 5 A. During which period of time? 6 Q. Any period. 7 Well, let's put it this way. 8 In the 2005/2006 period, did you submit 9 any other requests for accommodations 10 other than we just looked at on these two 11 exhibits? 12 A. I'm not aware of anything -- 13 I mean, in terms of the paperwork they 14 required for me to fill out? 15 Q. Yes. 16 A. I think this was the only 17 form they had at the time. 18 Q. And do you agree with me 19 that you did not request accommodations 20 on Step 1? 21 A. Yeah. But if you read -- if 22 you read what is written in those files, 23 it makes reference to Step 1. But the 24 actual application for Step 1 was not</p>

<p style="text-align: right;">Page 146</p> <p>1 applied to. It was CK and CS only for  2 Step 2.  3 Q. If you look at Exhibit 1,  4 the form allows you to request  5 accommodations for Step 1 and for Step 2  6 CK and for -- isn't that correct? You  7 could check Step 1?  8 A. Yeah, but I didn't register  9 for Step 1 at the time.  10 Q. So am I correct that you  11 never formally requested accommodations  12 on Step 1?  13 A. For which year?  14 Q. Ever.  15 A. Using this form?  16 Q. Yes.  17 A. Or any other  18 recommendations?  19 Q. I'm not talking about 2013,  20 '14, '15. I'm not talking about that  21 right now.  22 A. You are talking about Step  23 1.  24 Q. I'm talking about 2000 --</p>	<p style="text-align: right;">Page 148</p> <p>1 designate the exams that you're applying  2 for accommodations for, for Step 1.  3 Q. Okay.  4 A. But I did ask for  5 accommodations in 2014 upon my appeal.  6 MR. SACKS: Let's take five  7 minutes.  8 - - -  9 (Whereupon, a brief recess  10 was taken.)  11 - - -  12 BY MR. SACKS:  13 Q. So, from the time that you  14 started your clinical clerkships, was  15 there -- did any of those involve  16 examination? Where they courses in the  17 sense that there might be an exam at the  18 end?  19 A. The preceptor gave an exam.  20 Q. At each course?  21 A. Not all courses.  22 Q. Some of the clerkships --  23 A. Yeah.  24 Q. -- had exams?</p>
<p style="text-align: right;">Page 147</p> <p>1 from any time from 2002 or 3 when you  2 first took Step 1 -- let me back up.  3 When was the first time you  4 took Step 1?  5 A. Probably right around 2002,  6 2003 I think.  7 Q. From that time through say  8 2013, did you ever submit a request for  9 accommodations on Step 1?  10 A. 2014 I did.  11 Q. I wasn't talking about 2014.  12 I said from 2002 through 2013, did you  13 ever request --  14 A. Why should I have requested  15 when they denied me these two times? I  16 gave them everything I had to prove a  17 diagnosis. And we didn't know the  18 diagnosis until 2013. So what --  19 Q. Am I correct that you never  20 submitted a form requesting  21 accommodations on Step 1; is that  22 correct?  23 A. I never used this form that  24 you have in Exhibit 1 that is used to</p>	<p style="text-align: right;">Page 149</p> <p>1 A. And they were mostly oral,  2 mostly oral.  3 Q. And did you ever need or  4 request accommodations for that?  5 A. It wasn't a time type of  6 setup. It was an oral questioning or  7 display of patients' skills. It was more  8 practical kind of hands on thing.  9 Q. How did you do in your  10 clerkships? Were there any clerkships  11 that you had to repeat?  12 A. No.  13 Q. So you passed them all on  14 the first go-around?  15 A. Yes.  16 Q. Was that sort of a standard  17 curriculum of med school clerkships?  18 A. Yes.  19 Q. And did you receive grades  20 or --  21 A. They rated you, like I told  22 you earlier.  23 Q. What was the rating scale?  24 A. I think it was like one to</p>

<p style="text-align: right;">Page 150</p> <p>1 nine; one being the worse and nine being  2 the best, or something like that.  3 Q. And did you -- do you recall  4 what your ratings were in the various  5 clerkships?  6 A. It probably varied.  7 Q. But you never had to repeat  8 any?  9 A. No.  10 Q. During the time that you  11 were in clerkships, did you have any  12 mental health treatment during that time?  13 A. During clerkships. I don't  14 recall.  15 I recall 2000 -- around  16 2002, 2003 that I did seek counseling.  17 Q. And from whom?  18 A. In New York City. And I  19 don't remember the name of the  20 individual. It was a sliding fee scale  21 kind of a thing where you got therapy and  22 it was adjusted to your income kind of  23 thing and I remember it was very  24 affordable.</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Correct.  2 Q. And you took Step 1 for the  3 first time after you completed your first  4 two years at St. Christopher's. And you  5 moved to New York to go to -- I'm sorry  6 let me start that again.  7 You completed your first two  8 years of medical school at St. Matthew's  9 in Belize. And then you came to the US  10 as a matriculated student at St.  11 Christopher's to do your clerkships --  12 A. Right.  13 Q. -- in New York; is that  14 right?  15 A. Right.  16 Q. And when did you first -- in  17 that sequence of time, in that period of  18 time, when did you first take the USMLE?  19 A. I think it was around 2002  20 or 2003. You have the dates here  21 somewhere. You have the listing.  22 Q. So after completing the two  23 years at St. Christopher's, you were  24 then --</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. And was this when you were  2 in New York because you were doing your  3 clerkships?  4 A. Right. And I would go see  5 this counselor in New York City. And it  6 was a gentleman, younger gentleman. And  7 I don't remember the name and I don't  8 remember the place, but he provided  9 counseling. And he was the one who  10 recommended that I get tested for a  11 learning disability or cognitive problem  12 that may be related to my mental illness.  13 Q. And what led to thinking  14 that there might be a problem that  15 required some sort of testing?  16 A. I was not able to keep up  17 with the format of the USMLE.  18 Q. So --  19 A. It was too rapid, too much  20 reading in too much short amount of block  21 time that they gave you. I wasn't  22 finishing.  23 Q. So you took the -- are you  24 taking about Step 1?</p>	<p style="text-align: right;">Page 153</p> <p>1 A. No. I think -- I think the  2 first time I took Step 1, I probably had  3 just finished St. Matthew's. I was  4 probably a student at St. Matthew's.  5 Q. Excuse me. I misspoke and  6 said St. Christopher's when I meant St.  7 Matthew's.  8 A. You know, all saints.  9 Q. So while you were still at  10 St. Matthew's is when you first took --  11 A. I believe that's correct, to  12 the best of my recollection.  13 Q. And how many times did you  14 take Step 1 before you thought there  15 might be a problem?  16 A. I knew immediately there was  17 a problem, probably within the first two  18 attempts -- first attempt.  19 I mean, to identify these  20 intrapersonal issues in yourself, it not  21 always easy. It's easier when somebody  22 is looking at the movie unfold. It's  23 different when you see things inside  24 yourself, you know, being able to have</p>

<p style="text-align: right;">Page 154</p> <p>1 that intrapersonal insight. And I really  2 didn't understand. I knew there was an  3 anxiety issue. I knew there was a  4 problem with anxiety. You know, I knew I  5 suffered from depression.  6 Then, in 2003, I had to  7 check out this -- you know, if there was  8 any other issues. And that's why I  9 consulted St. John's. And it was under  10 the guidance of this individual that I'm  11 telling you initially that I was the  12 first time I was tested at St. John's.  13 Q. And you don't remember his  14 name?  15 A. I don't remember.  16 Q. Or where he worked?  17 A. I still have some of the  18 handouts he gave me about, you know,  19 cognitive behavioral therapy, some of the  20 materials he gave me, but I don't recall  21 his name. I could maybe look for it. I  22 don't know. But off the top of my head,  23 I don't remember his name.  24 Q. So I would ask that you go</p>	<p style="text-align: right;">Page 156</p> <p>1 time. That was a block of time.  2 Q. A block, you mean over  3 different days?  4 A. Yeah.  5 Q. Take a look at Exhibit 3.  6 And you see there are numbers in the  7 lower right-hand corner. Okay. And it  8 starts at 0174.  9 A. Correct.  10 Q. So if you look at the pages  11 between from 174 to 191, is that the  12 report of the testing that you are  13 referring to at St. John's in 2003?  14 A. Who's the reviewer, or the  15 clinician?  16 Q. On page 189, the name  17 Subashini Jesurasa.  18 A. Yes. That's correct.  19 Q. And do you see anything in  20 those pages that has the name of the  21 referring psychologist?  22 A. Maybe in her note. Referred  23 by his psychologist.  24 Q. No name?</p>
<p style="text-align: right;">Page 155</p> <p>1 back --  2 A. I'll try to do that.  3 Q. -- look for that.  4 A. He may be listed on the  5 report. You could check the 2003 report  6 from St. John's. He may be there.  7 Q. And was he a psychologist?  8 A. He was, yeah, Ph.D.  9 Q. And he was the first one who  10 recommended that you get tested?  11 A. Tested. Yes.  12 Q. And so this testing in 2003  13 at St. John's was while you were doing  14 your clerkships, same period of time?  15 A. Must have been. Yes,  16 because I didn't graduate St.  17 Christopher's until 2004.  18 Q. Now, the testing that you  19 had done at St. John's, that was in  20 Queens?  21 A. Mm-hmm.  22 Q. Did that occur over a period  23 of days? Was that one day, two days?  24 A. No. That was a period of</p>	<p style="text-align: right;">Page 157</p> <p>1 A. I don't believe so. I don't  2 think she listed it. I would have to go  3 back and see if I could find his name.  4 Q. So you had this done in  5 2003. And your request for  6 accommodations to the USMLE was in 2005.  7 Why was there that gap in time?  8 A. The first time I was  9 diagnosed with ADHD was from a doctor  10 from the Center of Emotional Care.  11 Q. That's Dr. Hedberg?  12 A. Dr. Hedberg. And this is  13 her letter here. And that's 2005. This  14 is the first time that ADHD was ever  15 introduced.  16 So your question is, why  17 didn't I request accommodations in 2003?  18 Q. Right.  19 A. I didn't really understand  20 this whole thing of accommodations. I  21 didn't know that if a person is depressed  22 and they suffer from major depression  23 that could actually be considered an  24 accommodation. I'm not sure if she</p>



<p style="text-align: right;">Page 158</p> <p>1 discussed my anxiety issues here. She  2 makes recommendations about study skills.  3 Q. Let me ask you this. Did  4 you take this report back to the  5 psychologist that you had seen?  6 A. Yes, I did.  7 Q. And did you discuss it with  8 the psychologist?  9 A. Yes, we did.  10 Q. And did you discuss whether  11 you --  12 A. In fact -- let me interject  13 for one moment. The psychologist spoke  14 to the person who did the testing,  15 because I remember them having a  16 discussion. He told me he spoke to them.  17 Q. And did you discuss with the  18 psychologist whether you could use this  19 information in this report to apply for  20 accommodations at USMLE?  21 A. I don't recall. I don't  22 recall. I don't remember about the  23 transaction that took place between me  24 and that psychologist about this,</p>	<p style="text-align: right;">Page 160</p> <p>1 knew suggested that I see this doctor,  2 that it would be an evaluation that would  3 take place in her office. She would do a  4 full thorough evaluation and intake. And  5 she was very good at what she did. So it  6 was kind of a recommendation. And I was  7 kind of back and forth from Virginia.  8 Q. Why? What was in Virginia?  9 A. Does it matter what was in  10 Virginia? I mean, that's my personal  11 business.  12 Q. Okay. So, somebody  13 recommended -- so 2003 you had this  14 testing that we looked at in Exhibit 3.  15 You took it back to that psychologist or  16 it went back to the psychologist. You  17 don't remember exactly the nature of the  18 discussions about accommodations with the  19 psychologist. But you didn't apply for  20 accommodations on the USMLE at that time.  21 A. In 2003?  22 Q. In 2003.  23 A. No. I think I was still  24 data gathering to figure out what the</p>
<p style="text-align: right;">Page 159</p> <p>1 applying for accommodations. I don't  2 really recall.  3 Q. Wasn't that kind of the  4 point of getting the testing?  5 A. Yeah, but I don't really  6 remember the recommendations that he gave  7 me. I see recommendations here from the  8 person that performed the exam, the  9 testing. But I don't really remember  10 what he told me in terms of applying for  11 accommodations.  12 I didn't really know that if  13 you suffer from depression that you can  14 even apply for accommodations. These are  15 things I didn't really know about. And I  16 don't remember having that discussion  17 with him. It wasn't until the second  18 report that I applied for the  19 accommodations, which was 2005, because  20 the diagnosis of ADHD opened my eyes to  21 something could be seriously wrong.  22 Q. How did you get to Dr.  23 Hedberg in Virginia?  24 A. A colleague, someone that I</p>	<p style="text-align: right;">Page 161</p> <p>1 hell was wrong with me.  2 Q. So 2005, based on somebody's  3 recommendation that you knew in  4 New York --  5 A. Yeah. Somebody that I knew,  6 an associate that I knew recommended to  7 go to the Center for Emotional Care and  8 get a full intake. And I was back and  9 forth from Virginia. And it was  10 convenient at the time.  11 Q. So, how many times did you  12 meet with this Dr. Hedberg?  13 A. I think two or three.  14 Q. And how did she --  15 A. With the DSM-IV criteria and  16 clinical evaluation.  17 Q. Let me ask the question.  18 How did she conduct her  19 evaluation?  20 A. With the DSM-IV.  21 Q. Was it questions and  22 answers?  23 A. It was questions. It was,  24 basically, a full intake of what has been</p>



<p style="text-align: right;">Page 162</p> <p>1 going on for the last couple of years and  2 where I was having issues and problems.  3 And she took a full comprehensive intake.  4 Q. But the intake was oral  5 history, discussion between you and her?  6 A. Yes.  7 Q. As opposed to psychological  8 testing or something else?  9 A. There is no psychological  10 test for ADHD. I mean, there is the TOVA  11 and CAARS. But, you know, a lot of  12 people don't really believe, so it's a  13 clinical diagnosis.  14 Q. So after you received this  15 evaluation letter from Dr. Hedberg that  16 we see at Exhibit 3 page 192 --  17 A. Yes.  18 Q. -- did she recommend you get  19 further testing?  20 A. She did.  21 Q. And is that when you went  22 back to St. John's?  23 A. That's correct.  24 Q. And you had more testing in</p>	<p style="text-align: right;">Page 164</p> <p>1 date stamp received July 7th, 2005, these  2 are all materials that you submitted in  3 support of your request for  4 accommodations to the NBME; is that  5 right?  6 A. This is from -- they have  7 the same stamp on reports from childhood.  8 But the testing was also -- is when they  9 received July 7th.  10 Q. So everything that's in  11 Exhibit 3 was part of what you submitted  12 to the NBME in support of your request  13 for accommodations; is that a fair  14 statement?  15 A. I don't know yet.  16 Everything in Exhibit 4 is what I  17 submitted.  18 Q. Exhibit 3.  19 A. Exhibit 3?  20 Q. Yes. You're in Exhibit 3.  21 A. Oh, okay. Yeah. So  22 everything -- you are asking me  23 everything in this Exhibit 3 is  24 everything that I submitted to the</p>
<p style="text-align: right;">Page 163</p> <p>1 June of 2005?  2 A. June -- this was May 2005.  3 Yes. And then we see the report from St.  4 John's here from 2005, July actually.  5 June is when they took the assessments.  6 And then they wrote the report on July  7 7th. Oh, no. I'm sorry. That's when  8 NBME received it, right? Disability  9 services received it in July. They  10 conducted their testing in June.  11 Q. So the test report is pages  12 193. And I'm referring to these numbers  13 in the corner.  14 A. Mm-hmm.  15 Q. 193 through 197 is the  16 letter. And there are several -- one,  17 two, three pages of test results. Is  18 that right? That's all part of the same  19 report?  20 A. That looks right.  21 Q. So through page 200.  22 A. Yeah. Yes.  23 Q. And all these materials that  24 are in Exhibit 3, and they all have this</p>	<p style="text-align: right;">Page 165</p> <p>1 ECFMG -- I mean to NBME, is that what you  2 are asking?  3 Q. Yes.  4 A. I believe there was a letter  5 from a friend of 20-plus years and my  6 fiancée at the time.  7 Q. Right. So I was first  8 looking at -- Exhibit 3 has materials  9 that you submitted I'll say on the first  10 go-around, the first bunch of documents?  11 A. Okay.  12 Q. And then if you look at  13 Exhibit 4, do you remember getting that  14 letter from the NBME, "We will review  15 your documentation"?  16 A. Yes.  17 Q. And then if you look at  18 Exhibit 5, do you remember getting this  19 letter from Mr. Doane of the NBME about  20 an initial review of your documentation?  21 A. (Witness reviewing  22 document.)  23 So my understanding is that  24 they wanted to know to include</p>

<p style="text-align: right;">Page 166</p> <p>1 generalized anxiety and depression into  2 the application process. That's what  3 this letter is, basically, asking.  4 Q. Fair to say that this letter  5 is asking you for additional information?  6 A. Which was provided to them.  7 Q. And then if you look at the  8 next exhibit, 6, is this the additional  9 information that you provided?  10 A. (Witness reviewing  11 documents.)  12 I believe so.  13 Q. Is there anything that you  14 submitted in 2005 or 2006 in support of  15 your request for accommodations that is  16 not included in these exhibits, either  17 Exhibit 3 or exhibit --  18 A. It's possible. But as far  19 far as my recollection, this should  20 probably encompass most of it.  21 Q. There's nothing that you can  22 recall that is not here?  23 A. It's 10 years ago. It's  24 over 10 years. But as far as I can see,</p>	<p style="text-align: right;">Page 168</p> <p>1 A. I believe that, and not just  2 on Dr. Garloff, the most recent  3 neuropsychiatric report that you haven't  4 seen yet, that's with the second amended  5 complaint, from the Aaron Center from Dr.  6 Hamidian that she corroborates that.  7 Q. She corroborates what?  8 A. That I don't have ADHD, but  9 I do have bipolar disorder depressed  10 type. I do have a generalized anxiety  11 disorder. And I do have specific phobia  12 associated with testing.  13 Q. So Dr. Garloff and the more  14 recent doctors, you agree with their  15 statement that ADHD was incorrect?  16 A. Why should I have to agree  17 with anyone? I mean --  18 Q. You don't. I'm just asking.  19 A. This is their clinical  20 impression.  21 Q. Okay. If the diagnosis of  22 ADHD was incorrect, do you think the NBME  23 made a mistake when they denied your  24 accommodations for ADHD?</p>
<p style="text-align: right;">Page 167</p> <p>1 most of it -- there was a supplement by  2 Fred Holtz. I don't know if this is the  3 supplement.  4 Yeah. The anxiety and  5 depression supplement. He supplemented  6 the file. That's here. So I believe  7 that's it.  8 I should state that David  9 Kreditor asked the Office of Disabilities  10 Services to send him some information  11 that he can fill out or answer by  12 question form, but that was never sent to  13 him. Didn't feel that that was proper  14 protocol for the Department of  15 Disabilities Services.  16 Q. In 2005 to 2006, what was  17 the disability that you were claiming to  18 the NBME? What you were trying to  19 getting accommodations for?  20 A. ADHD, depression and general  21 anxiety.  22 Q. And do you agree with your  23 doctor, Dr. Garloff, that the diagnosis  24 of ADHD was incorrect?</p>	<p style="text-align: right;">Page 169</p> <p>1 A. I didn't apply just for  2 ADHD. I applied for anxiety and  3 depression as well.  4 Q. Was the NBME correct in  5 denying your accommodations for ADHD?  6 A. I don't believe that that's  7 the case because that was the working  8 diagnosis by the clinicians at the time.  9 And I don't know if I have ADHD or not.  10 The two clinicians that  11 evaluated and performed batteries of  12 testing and clinical evaluation believe  13 it's probably more mood effective  14 disorder, like bipolar depressed type.  15 That's their contention. That's their  16 feeling. That's their clinical  17 impression.  18 Q. All right. Let's go back do  19 some other questions.  20 You had this testing in  21 2003. And at that time, you were seeing  22 a psychologist whose name you can't  23 remember.  24 A. I'll get it for you. I have</p>

<p style="text-align: right;">Page 170</p> <p>1 to search my archives and see if I can  2 find it. I'll have to search and see if  3 I can find it. I don't recall his name.  4 No.  5 Q. Who was the next mental  6 health provider that you saw?  7 A. It was probably Dr. Kreditor  8 or Dr. Holtz. I don't remember who came  9 first. You can check your letters.  10 Q. Feel free.  11 A. You're talking about 2005  12 now.  13 Q. I'm trying to take it step  14 by step and make sure that I get the full  15 picture of your mental health treatment.  16 A. (Witness reviewing binder.)  17 I'm just trying to locate  18 the exhibits with the doctors' letters in  19 it. Do you know where that is?  20 Q. Yes. Six.  21 A. Exhibit 6?  22 Q. Yes.  23 A. They probably were around  24 the same time, Holtz and Kreditor.</p>	<p style="text-align: right;">Page 172</p> <p>1 there any others?  2 A. In 2005 or 2006?  3 Q. Or between 2003, when you  4 had testing, and 2005/6.  5 A. No. There was the  6 psychologist that made the initial  7 request to St. John's. And this  8 psychologist, Holtz.  9 Q. Right. And you saw Dr.  10 Hedberg who diagnosed you.  11 A. Right.  12 Q. So Holtz and Dr. Kreditor  13 were the next ones?  14 A. I believe so, yes.  15 Q. So where you in any kind of  16 treatment or counseling between say 2004  17 and -- in 2004?  18 A. In 2004, no, because I  19 didn't have any insurance. I had  20 insurance in 2005. I couldn't afford it  21 at the time.  22 Q. And following through with  23 mental health treatment, how long did you  24 continue with Dr. Holtz and Dr. Kreditor?</p>
<p style="text-align: right;">Page 171</p> <p>1 Am I in six here?  2 Q. Yes.  3 A. So Kreditor's letter is  4 dated 11/28/2005.  5 Holtz is dated -- is it  6 dated? I don't see a date here.  7 Q. I don't think that is dated.  8 You're taking about the page that's  9 marked 149?  10 A. Correct. I don't see that  11 he put a date on this, but it had to be  12 around the same time.  13 Q. This next letter --  14 A. Is it dated?  15 Q. -- is dated January 14,  16 2006.  17 A. Yeah. So they were  18 overlapping.  19 Q. Okay. So, you described  20 seeing a psychologist in New York who  21 recommended testing and that was in 2003?  22 A. Yes.  23 Q. Between that psychologist  24 and Dr. Holtz and Dr. Kreditor, were</p>	<p style="text-align: right;">Page 173</p> <p>1 A. Up until probably 2007.  2 Q. So you saw each of them for  3 a couple of years?  4 A. I believe so.  5 Q. And --  6 A. No. Actually, I believe  7 that I continued with Dr. Holtz for a  8 longer period. I don't remember the  9 exact length of time for Dr. Kreditor,  10 how long I was seeing him for.  11 Q. Were you receiving  12 medication during that period of time,  13 say 2004/5/6/7?  14 A. From Dr. Kreditor, yes.  15 Q. What kind?  16 A. And from Dr. Hedberg.  17 Q. What kind of medication were  18 you getting?  19 A. Stimulants for ADHD.  20 Q. Initially through Dr.  21 Hedberg?  22 A. Yes.  23 Q. And then Dr. Kreditor  24 continued that?</p>

<p style="text-align: right;">Page 174</p> <p>1 A. Yes. And he, also, 2 prescribed, I think, Wellbutrin to 3 address depression. 4 No, I'm sorry. I think he 5 prescribed Venlafaxine to address the 6 depression. 7 Q. And how would you 8 characterize your mental status during 9 that period of time? 10 A. Not good. 11 Q. In what sense? 12 A. I was going through some 13 personal issues at this time. It wasn't 14 a good time. And I'm not sure that was 15 the correct treatment for me. 16 THE WITNESS: Do you mind if 17 I get another bottle of water? My 18 mouth is very dry. 19 MR. SACKS: Let's take a 20 break. 21 - - - 22 (Whereupon, a luncheon 23 recess was taken.) 24 - - -</p>	<p style="text-align: right;">Page 176</p> <p>1 This was the time, also, 2 that I was seeing -- we didn't discuss 3 Maine, did we? Maine, because I did St. 4 Joseph's College. 5 Q. Okay. Let's come back right 6 back to that. But before I forget, let's 7 finish with St. Matthew's. 8 Did you have to repeat any 9 course? 10 A. I did. The year my dad had 11 a heart attack, I think it was, I had to 12 repeat pathology, second semester of 13 pathology. 14 Q. Any other courses during 15 your time there? 16 A. Not at St. Matthew's. 17 Q. And otherwise, the grading 18 was pass/fail? 19 A. Yes. 20 Q. By the way, from the time 21 that you finished your clerkships, which 22 you said were in New York, from that 23 point of time forward to today, have you 24 done any additional either course work or</p>
<p style="text-align: right;">Page 175</p> <p>1 (Whereupon, the requested 2 portion was read.) 3 BY MR. SACKS: 4 Q. I want to go back to your 5 medical school time at St. Matthew's. 6 You spent two years. You did the basic 7 sciences. What was your grade point 8 average at St. Matthew's? 9 A. It was like a pass/fail 10 system. 11 Q. It was a pass/fail? 12 A. Yeah. I passed all my 13 classes. There was also honors, PF 4-H. 14 Q. Did you get any of those? 15 A. Any honors? 16 Q. Any honors. 17 A. No. 18 Q. Did you fail any classes? 19 A. Once. Pathology, the first 20 semester -- second semester of pathology. 21 Q. You -- 22 A. My dad had a heart attack 23 and it kind of affected very adversely. 24 I think I was getting depressed.</p>	<p style="text-align: right;">Page 177</p> <p>1 internships, unpaid internships, anything 2 to keep yourself fresh in medicine or in 3 clinical work? 4 A. I read a lot, a lot of 5 research-oriented medical research type 6 things, especially the neurosciences. 7 Q. So you read medical 8 journals? 9 A. Yeah, I do, online. 10 Q. Any unpaid internships at 11 any local hospitals, anything like that? 12 A. No. I tried through Sanofi, 13 but they never responded. There aren't 14 many options in this area. 15 Q. Okay. 16 A. Sanofi has some applications 17 on file -- I could send those to you -- 18 where I did -- they have postdoctoral 19 training there and things of that nature. 20 You know, Sanofi Pasteur. They're right 21 here in -- 22 Q. How do you spell Sanofi? 23 A. S-A-N-O-F-I. Pasteur, like 24 Louis Pasteur. P-A-S-T-E-U-R. They're a</p>

<p style="text-align: right;">Page 178</p> <p>1 French company. They're hard to -- it's  2 hard to get a job there. You have to  3 know someone. Unfortunately, I don't  4 know anyone.  5 But I tried. I keep trying.  6 I even wrote the CEO there, Mr. Braga,  7 but they have a no-solicitation policy.  8 You can't contact anyone.  9 Q. So you mentioned school in  10 Maine.  11 A. Yes.  12 Q. When did you go there? What  13 school was it and when did you go there?  14 A. So, St. Matthew's had this  15 arrangement with St. Joseph's, a college  16 in Maine, where you can do an M.D. with  17 the master's in health administration.  18 So, it was through that dual  19 program that, you know, we were able to  20 go -- the medical students in St.  21 Matthew's were able to go and finish  22 their basic sciences in Maine at a  23 satellite campus.  24 Q. At a satellite campus of St.</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Excuse me. And you passed  2 all of those courses --  3 A. Yes.  4 Q. -- when you took them?  5 A. Yes. The second year was in  6 Maine. So, to -- for the record, to make  7 everything nice and accurate, I spent two  8 years at St. Matthew's University, but  9 one year was in Belize and one year was  10 in the State of Maine, in the USA.  11 Q. And --  12 A. There were instructors from  13 Maine Medical Center that came to teach  14 us and were our professors. They were  15 hired through St. Matthew's. That's  16 where many of them came from.  17 Q. You mean, many had been  18 students at St. Matthew's?  19 A. No, no. They were  20 practicing physicians and professors  21 because I think it's a teaching hospital,  22 if I'm not mistaken, Maine Medical  23 Center, because we did take some courses  24 there as well.</p>
<p style="text-align: right;">Page 179</p> <p>1 Matthew's?  2 A. Yes, in Maine, while you  3 finish the MHA at the campus at St.  4 Joseph's. They were in close proximity  5 to each other.  6 MR. SACKS: Off the record.  7 - - -  8 (Whereupon, a discussion  9 was held off the record.)  10 - - -  11 BY MR. SACKS:  12 Q. So let me make sure I  13 understand that about St. Matthew's and  14 St. Joseph's.  15 A. They had an arrangement.  16 Q. Did you spend a full two  17 years at St. Matthew's in Belize or was  18 part of that time spent at St. Joseph's  19 in Maine?  20 A. So, anatomy -- the first  21 semester of medical school is like  22 anatomy, biochemistry, some behavioral  23 courses. All that stuff was done in  24 Belize. When it came down --</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. Did you ever have an  2 employment relationship with Maine  3 Medical Center where you worked there?  4 A. No, never. We would just --  5 the students would use their conference  6 room like this. And the lecturers would  7 be physicians practicing at the --  8 teaching physicians from the Maine  9 Medical Center.  10 Q. So your second year of  11 medical school at St. Matthew's was spent  12 in Maine?  13 A. Right.  14 Q. And was this at a campus of  15 St. Matthew's or was this at St. Joseph's  16 College?  17 A. I would attend both. They  18 were two separate --  19 Q. Unrelated?  20 A. Unrelated entities within a  21 close proximity. But they were related.  22 They had a relationship.  23 Q. Are they both still there to  24 your knowledge?</p>



<p style="text-align: right;">Page 182</p> <p>1 A. Oh, I don't know.  2 Q. So St. Joseph's --  3 A. Yes. St. Joseph's is still  4 there. That's like an old institution.  5 I don't know if they kept the Maine  6 program. I don't know if St. Matthew's  7 still does that.  8 Q. In your second year of  9 medical school when you were still taking  10 basic science at St. Matthew's, although  11 in Maine; correct?  12 A. That's correct.  13 Q. You also took other courses  14 at St. Joseph's in Maine?  15 A. For the master's in health  16 administration degree.  17 Q. So St. Matthew's had an  18 actual physical campus in Maine?  19 A. A satellite campus, yeah.  20 Like a small campus that was set up for  21 our medical school classes.  22 Q. Was that like all in one  23 building?  24 A. No. There was a couple of</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. And you passed path 1 but  2 failed path 2?  3 A. Yeah. I was not well.  4 Q. And you passed behavioral  5 science 1 and 2?  6 A. Yes.  7 Q. And you passed -- well, your  8 clinical skills?  9 A. Yes.  10 Q. And then there was a review  11 source for the USMLE. I assume that was  12 essentially for Step 1?  13 A. Yes, I believe so. But it  14 was -- I think they had some kind of  15 arrangement with Kaplan or something with  16 the videos. We were kind of doing that  17 as a group.  18 Q. And at the same time that  19 you were doing those science courses at  20 St. Matthew's in Standish, Maine, you  21 were also attending St. Joseph's to get a  22 master's degree in health administration?  23 A. That's right.  24 Q. And what courses did you</p>
<p style="text-align: right;">Page 183</p> <p>1 buildings, I think.  2 Q. In the town of Standish,  3 Maine?  4 A. Yes.  5 Q. And is St. Joseph's in  6 Standish, Maine also?  7 A. Yes.  8 Q. What courses did you take in  9 your second year, the science curriculum  10 at St. Matthew's?  11 A. That's when I failed, the  12 pathology, second year. We took -- for  13 the year I was in Maine, you mean?  14 Q. Yes.  15 A. Pathology 1 and 2.  16 Behavioral sciences 1 and 2.  17 What else?  18 There was also like a review  19 course for the USMLE. There was  20 practical clinical skills that was taught  21 both semesters. And I think that's it.  22 Q. And --  23 A. Oh, there was a research  24 class, too, I think. A journal class.</p>	<p style="text-align: right;">Page 185</p> <p>1 have to take for that program?  2 A. Oh, I can't even tell you.  3 I have no recollection of the individual  4 courses, but I'll tell you what they --  5 it's in the resume actually. I wrote it  6 in the resume. That was the program.  7 Q. So here it says "St.  8 Joseph's" -- I'm looking at your resume,  9 what you've identified as your resume.  10 MR. SACKS: And you know  11 what, we'll mark this as 19. And  12 I'll send you a copy or we can  13 make a copy today.  14 BY MR. SACKS:  15 Q. But it says here, "St.  16 Joseph's College, Maine, 2002 to 2004,  17 full-time student."  18 A. Now, I was continuing  19 classes, long distance education even  20 though I wasn't there. I was still a  21 full-time student taking classes online  22 and stuff. And I had to send my papers  23 in -- I believe it was a capstone paper I  24 had to do. So I was still a student</p>



<p style="text-align: right;">Page 186</p> <p>1 there, even though we weren't physically  2 there. We were there for the first --  3 from the years I was in Maine, which I've  4 identified to you already. But then it  5 became my long distance education,  6 essentially online.  7 Q. Okay. Let me see if I've  8 got that. So, your medical school  9 education went from 2000 to 2004?  10 A. That's correct.  11 Q. First year --  12 A. Basic science.  13 Q. You started at Ross, didn't  14 complete the semester.  15 A. Yeah. I got sick there.  16 Right.  17 Q. Then started at St.  18 Matthew's in Belize?  19 A. That's right.  20 Q. One year in Belize. Then  21 moved to their campus in Maine --  22 A. Correct.  23 Q. -- for your second year and  24 also started a master's in health</p>	<p style="text-align: right;">Page 188</p> <p>1 there for 2000 -- full-time student.  2 Yeah. That's right.  3 Q. Okay. You started to tell  4 me about --  5 A. Elizabeth Wiesen.  6 Q. Elizabeth Wiesen. How did  7 that come about? When --  8 A. I wasn't doing well. I had  9 a lot of problems. Academically I was  10 struggling. And the --  11 Q. In which --  12 A. Both.  13 Q. Basic science?  14 A. And the St. Joseph's, the  15 master's stuff. It was just -- I needed  16 the caseload dropped somewhat because it  17 was too much for me. I was under too  18 much pressure and stress. And it just  19 took it's toll. Plus, my dad wasn't  20 feeling well. He had a heart attack. He  21 had a heart attack when I was still in  22 Belize, but they didn't tell me until I  23 got back.  24 Q. So you saw Dr. Wiesen for</p>
<p style="text-align: right;">Page 187</p> <p>1 administration --  2 A. That's correct.  3 Q. -- at St. Joseph's College.  4 A. Right. And that's where the  5 exhibits from Elizabeth Wiesen, the  6 Ph.D., comes in. She was the counselor  7 at St. Joseph's. And I got -- I wasn't  8 doing well there. And that's why I  9 probably failed my second semester of  10 pathology.  11 Q. And so, those were -- out of  12 the 2000 to 2004, two years roughly were  13 in basic science and then two more years  14 were when you were doing your clerkships  15 in New York?  16 A. And at the same time, still  17 doing the St. Joseph's stuff.  18 Q. And completing your  19 master's. So your master's didn't get  20 completed in that year you were in Maine.  21 A. That's correct.  22 Q. It got completed later.  23 A. I think what I wrote there  24 was accurate. What are the dates I have</p>	<p style="text-align: right;">Page 189</p> <p>1 what kind of counseling?  2 A. Cognitive behavioral  3 therapy. She's a Ph.D.  4 Q. Did you get medication  5 during that period of time, also?  6 A. No. No. It was just all  7 talking therapy.  8 Q. And --  9 A. She was effective, though.  10 Q. And Dr. Wiesen is at St.  11 Joseph's College; correct?  12 A. She's still there, I  13 believe. Yeah. She was very effective.  14 Q. And when you say that, what  15 does that mean? What do you --  16 A. I thought she --  17 Q. -- consider effective for  18 you?  19 A. I thought she was very  20 thorough. She understood the issues.  21 She -- I worked hard with her to try to  22 develop better coping skills.  23 Q. For what?  24 A. For the difficulties I was</p>

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<p>1 having, for my anxiety, my depression.</p> <p>2 For the stuff I was contending with at</p> <p>3 the time.</p> <p>4 Q. And this was, roughly, 2002?</p> <p>5 A. Yes.</p> <p>6 Q. And did she send you for any</p> <p>7 testing of any kind?</p> <p>8 A. That -- she was all there</p> <p>9 was really. She was the counseling</p> <p>10 center. She was the Ph.D. She was</p> <p>11 qualified to do the therapy. And she --</p> <p>12 I think there was some suggestion</p> <p>13 possibly, but it was -- I didn't want to</p> <p>14 take medication at that time.</p> <p>15 Q. And you didn't get any</p> <p>16 psychological testing at that time for</p> <p>17 any diagnosis?</p> <p>18 A. No. No, no. But it was</p> <p>19 definitely a very tumultuous,</p> <p>20 difficult time in my life.</p> <p>21 Q. Just personal issues, you</p> <p>22 mean?</p> <p>23 A. A lot of things.</p> <p>24 Q. And what did she do for you</p>	<p>1 one to Donna Walters and one to Dr.</p> <p>2 Pringle. Dr. Pringle was the dean.</p> <p>3 Donna Walters of the medical school in</p> <p>4 Maine. And Donna Walters was the person</p> <p>5 that was the program manager for the</p> <p>6 master's students that were medical</p> <p>7 students.</p> <p>8 Q. What you're looking at now,</p> <p>9 which is in Exhibit 13, I will represent</p> <p>10 to you that this is material that -- some</p> <p>11 of it in this exhibit you filed in court</p> <p>12 and others comes from the National Board</p> <p>13 and has a date stamp of April 2014.</p> <p>14 A. What are you referring to?</p> <p>15 I'm sorry.</p> <p>16 Q. Let's see.</p> <p>17 A. Yeah, but this has a date of</p> <p>18 August 2001.</p> <p>19 Q. Yes. So that's my question.</p> <p>20 Dr. Wiesen, her letter, which is page</p> <p>21 0085 at the bottom -- do you see?</p> <p>22 A. Yeah.</p> <p>23 Q. Her letter is dated August</p> <p>24 of 2001. And the date stamp for the</p>
Page 191	Page 193
<p>1 other than the talking therapy?</p> <p>2 A. Can you be more specific?</p> <p>3 Q. Yes. Did she facilitate any</p> <p>4 accommodations in any academic programs?</p> <p>5 A. She did. She tried to write</p> <p>6 the people that were in charge of the</p> <p>7 various programs, like the dean of the</p> <p>8 medical school and Donna Walters.</p> <p>9 There's a letter to her in there to see</p> <p>10 about dropping a particular course that I</p> <p>11 was finding very difficult.</p> <p>12 Q. In the master's program?</p> <p>13 A. Yes. Yes. She tried to see</p> <p>14 if she could alleviate some of the burden</p> <p>15 of the stress.</p> <p>16 Q. Did you come across that</p> <p>17 material in this book today?</p> <p>18 A. I didn't. I don't know if</p> <p>19 you put it in here or not.</p> <p>20 Oh, here it is.</p> <p>21 Q. Where is that?</p> <p>22 A. 00085 in exhibit -- is that</p> <p>23 13?</p> <p>24 So you'll see two letters;</p>	<p>1 disability office of the NBME is April of</p> <p>2 2014.</p> <p>3 A. It could have --</p> <p>4 Q. Hang on one second. Let me</p> <p>5 ask you a question.</p> <p>6 A. Go ahead.</p> <p>7 Q. My question is, why didn't</p> <p>8 you submit this material and</p> <p>9 specifically these -- at least these two</p> <p>10 pages, NBME Katz 0085 and 0086? Why</p> <p>11 didn't you submit those with your</p> <p>12 materials in 2005?</p> <p>13 A. I don't recall. I thought I</p> <p>14 did.</p> <p>15 Q. So did she slow down the</p> <p>16 pace of your master's program?</p> <p>17 A. The final determination was</p> <p>18 mine. And I attempted to just tough it</p> <p>19 out, and that's what I did. And the</p> <p>20 grades may have reflected that, but I did</p> <p>21 my best under the circumstances.</p> <p>22 Q. And you are talking during</p> <p>23 the period of time in which you completed</p> <p>24 your program online later?</p>

<p style="text-align: right;">Page 194</p> <p>1 A. I'm talking about the</p> <p>2 recommendations that she made. I wound</p> <p>3 up trying to tough it out, instead of</p> <p>4 getting a grade that was acceptable. It</p> <p>5 was a little unacceptable.</p> <p>6 Q. Was your master's program</p> <p>7 pass/fail?</p> <p>8 A. You know, I don't recall.</p> <p>9 Q. The grades within each</p> <p>10 course?</p> <p>11 A. I think it was A, B, C type</p> <p>12 of thing.</p> <p>13 Q. Do you recall what your</p> <p>14 grade point average was in that program?</p> <p>15 A. You had to maintain a B to</p> <p>16 stay in it.</p> <p>17 Q. And did you?</p> <p>18 A. That particular class, I</p> <p>19 didn't. I fell below. But I think they</p> <p>20 made it up with another -- I think that</p> <p>21 kind of worked itself out because there</p> <p>22 may have been A from somewhere else. And</p> <p>23 the A and the C kind of turned into a B,</p> <p>24 but not that -- you know, from a previous</p>	<p style="text-align: right;">Page 196</p> <p>1 not convenient for me.</p> <p>2 Q. So, in your -- can we agree</p> <p>3 that at the present time, you have a</p> <p>4 proposed second amended complaint that's</p> <p>5 pending with the court? And we're</p> <p>6 waiting for the court to say, yes, this</p> <p>7 is your second amended complaint or go</p> <p>8 back and re-file it, something like that?</p> <p>9 A. You say that with -- like a</p> <p>10 sense of humor to you.</p> <p>11 Q. Not at all. I'm just</p> <p>12 asking.</p> <p>13 A. It sounds like --</p> <p>14 Q. I'm just asking for -- to</p> <p>15 lay the ground work for a question I want</p> <p>16 to ask you.</p> <p>17 Can we agree that at the</p> <p>18 present time you have a proposed second</p> <p>19 amended complaint?</p> <p>20 A. Yes. We can agree on that.</p> <p>21 Q. And in your proposed second</p> <p>22 amended complaint, which is included here</p> <p>23 as Exhibit 18, you say -- take a look at</p> <p>24 paragraph 5 on page 2.</p>
<p style="text-align: right;">Page 195</p> <p>1 semester, previous class.</p> <p>2 Q. So we clarified the time</p> <p>3 that you spent during medical school and</p> <p>4 slightly after that in Maine. St.</p> <p>5 Matthew's had a satellite campus in Maine</p> <p>6 and you attended that. And you also</p> <p>7 attended St. Joseph's in Maine, which you</p> <p>8 completed remotely.</p> <p>9 A. That's right. Some classes</p> <p>10 were done at the campus while we were in</p> <p>11 Maine. Obviously, we were there for that</p> <p>12 reason. And then some classes were done</p> <p>13 remotely.</p> <p>14 Q. And then after you finished</p> <p>15 your couple of years of basic sciences</p> <p>16 with St. Matthew's that's when you</p> <p>17 transferred to St. Christopher's and</p> <p>18 matriculated at St. Christopher's so that</p> <p>19 you could do your clinical rotation in</p> <p>20 New York?</p> <p>21 A. Correct. Well, yeah, in the</p> <p>22 northeast. St. Matthew's had the</p> <p>23 majority of their clinical rotations in</p> <p>24 Chicago and Atlanta and places that were</p>	<p style="text-align: right;">Page 197</p> <p>1 A. (Witness complies with</p> <p>2 request.)</p> <p>3 Okay.</p> <p>4 Q. So the last sentence there</p> <p>5 says, "Katz had submitted sufficient</p> <p>6 documentation to demonstrate that he's a</p> <p>7 person with a disability within the</p> <p>8 meaning of the ADA and that he was</p> <p>9 entitled to reasonable testing</p> <p>10 accommodations to take his USMLE exams in</p> <p>11 2005-2006."</p> <p>12 And I want to ask you, in</p> <p>13 light of what we talked about a few</p> <p>14 minutes ago about Dr. Garloff and Dr.</p> <p>15 Garloff's opinion that, in fact, ADHD was</p> <p>16 an incorrect diagnosis, my question is,</p> <p>17 what is it that you base your statement</p> <p>18 on here that you submitted sufficient</p> <p>19 documentation to demonstrate that you had</p> <p>20 a disability and the NBME should have</p> <p>21 given you accommodations?</p> <p>22 What is it they should have</p> <p>23 given you accommodations for?</p> <p>24 A. They had a very thorough</p>

<p style="text-align: right;">Page 198</p> <p>1 psychological educational battery done 2 from St. John's University. They had an 3 M.D./Ph.D. who clinically used the DSM 4 and clinical expertise. He is a 5 professor at, I think, at NYU, Dr. 6 Kreditor. They had Dr. Holtz who was a 7 specialist in ADHD. They had ample 8 amount of materials from caregivers to 9 justify this diagnosis. 10 Q. Of ADHD? 11 A. And depression and anxiety. 12 Q. Well, I'm trying to separate 13 that. If it's make sense to you to 14 separate it. Should they have granted 15 you accommodations for ADHD in 2005/2006? 16 A. I can't answer that. I 17 don't know. My opinion is that based on 18 the materials submitted to them, yes. 19 Q. Even though now your 20 doctors -- 21 A. Well, we don't -- 22 Q. -- are saying it's an 23 incorrect diagnosis. 24 A. We don't really know 100</p>	<p style="text-align: right;">Page 200</p> <p>1 at the time based on their clinical 2 expertise. They were the experts. 3 Q. I want to make sure I 4 understand. So in your proposed second 5 amended complaint, you are saying that 6 the NBME had enough information and they 7 had enough documentation to grant you 8 accommodations, they should have granted 9 you accommodations. 10 A. Not only that, look at the 11 real look -- look at the big picture. 12 The big picture is that I suffer from 13 executive dysfunction. I have problems 14 planning, organizing, executing. And 15 executive dysfunction runs the gamut of 16 all of these disorders. 17 So if you really want to see 18 the big header, the big header, it 19 doesn't matter if it's ADHD or depression 20 or bipolar disorder. Because, you know 21 what happens, the big header is executive 22 dysfunction. And that's the real 23 problem. And that encompasses many 24 mental illnesses.</p>
<p style="text-align: right;">Page 199</p> <p>1 percent. This is all people's opinion 2 based on the data of the testing. 3 I went and I got additional 4 cognitive testing done per Dr. Husain, 5 who is here in Stroudsburg, Arif Husain. 6 He suggested for clarification purposes, 7 it may be a very good idea to understand 8 exactly what the problems are because you 9 have been diagnosed with a lot of things 10 and a lot of them apply. You do have 11 anxiety. You do have depression. So he 12 wanted to discern. 13 Dr. Garloff probably read an 14 article that stated that it's unlikely 15 that a person can have ADHD and bipolar 16 disorder. But in the literature, it's 17 there. They can be comorbid disorders. 18 Who's right? Is the 19 literature right? Is Dr. Garloff right? 20 Is Dr. Husain right? 21 Is Dr. Hamidian correct in 22 the assessment? Is she right? I believe 23 so. 24 But that was the diagnosis</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. Your doctors, whose reports 2 you submitted in 2005/2006, didn't say he 3 has executive dysfunction and therefore 4 you should grant him accommodations. 5 They talked about ADHD and there was some 6 discussion about depression and anxiety. 7 Correct? 8 A. That's correct. But this is 9 really -- if you want to rationalize it 10 and look at it academically, I believe 11 that that's the better explanation. 12 Q. Is what you're referring to 13 as executive dysfunction? 14 A. Yes. 15 Q. And again, just to make sure 16 we're getting a clear answer to my 17 question, you believe there was 18 sufficient documentation in 2005/6 to 19 justify accommodations on the basis of 20 ADHD and depression and anxiety? 21 A. They wanted additional 22 documentation for depression and anxiety, 23 but there was no money to pay for all of 24 these extra reports.</p>

<p style="text-align: right;">Page 202</p> <p>1 Q. I'm asking you about that  2 piece right now. I'm asking you about --  3 A. I believe that there was  4 sufficient documentation that stated that  5 these -- as our caregivers to Richard  6 Katz, these are our recommendations. And  7 their recommendations was he needs extra  8 time on the exam. It's stated in black  9 and white right on the report.  10 Q. So based on that, they  11 should have done it?  12 A. Based on these people that I  13 consulted to tell me what was wrong with  14 me and why I was having so much  15 difficulty processing and retaining  16 information and why I was having so much  17 difficulty with the timing of the exam  18 and not finishing on time and not getting  19 a proper amount of time per question. I  20 felt rushed. I felt like I wasn't  21 processing correctly during the  22 examination.  23 Q. Okay.  24 A. That that would lead to</p>	<p style="text-align: right;">Page 204</p> <p>1 doctor that I'm seeing.  2 Q. So he replaced Dr. Garloff?  3 A. Correct.  4 Q. Same office?  5 A. Yes.  6 Q. And how about Dr. Hamidian,  7 is that H-A-M --  8 A. I-D-I-A-N. She's with the  9 Aaron Center. And she's out of Dixon  10 City, I think, in Scranton. They have a  11 whole contract with the Scranton School  12 District to test the kids that have  13 problems with learning academics. And  14 so, they seem like a very good center to  15 utilize for this type of thing.  16 Q. And so, are you being  17 treated by Dr. Husain now?  18 A. I am.  19 Q. Is Dr. Husain an M.D. or a  20 D.O.?  21 A. He is an M.D.  22 Q. And Dr. Husain oversees your  23 medication?  24 A. Yes.</p>
<p style="text-align: right;">Page 203</p> <p>1 carelessness, where you could have even  2 down the -- towards the end of the block,  3 you may have known -- I may have known  4 the questions. But because I was running  5 out of time, just put B, B, B, B. You  6 know, it's just things like that. It's  7 just processing-wise, it's a processing  8 speed problem. That's all part of the  9 executive dysfunction.  10 Do you want to all it ADHD?  11 Do you want to call it bipolar disorder?  12 Charles Wiener, the lawyer I  13 consulted, that's exactly what he said.  14 You know, you have the letter there from  15 Charles Wiener.  16 It doesn't matter what you  17 want to call it per se, but the problem  18 is that there is a processing speed  19 issue.  20 Q. Okay. You just mentioned  21 some more doctors and I want to find out  22 who they are.  23 A. So Dr. Garloff went to  24 Chicago. And Dr. Arif Husain is the new</p>	<p style="text-align: right;">Page 205</p> <p>1 Q. And you told us at the  2 beginning of this deposition what  3 medications you're taking.  4 A. Yes.  5 Q. And Dr. Hamidian, is that  6 somebody you went to only for testing?  7 A. Yes.  8 Q. And when was that testing?  9 A. That testing was about 10 or  10 11 sessions, from like I think -- I want  11 to say -- it's recent.  12 Q. 2015?  13 A. Yeah.  14 Q. Okay.  15 A. Yeah. October, November,  16 December, January, February -- yeah. I  17 think -- yeah. It completed in October,  18 I think. And it was ten weeks prior. So  19 it probably began, what, over the summer,  20 August.  21 Q. And how are you paying for  22 these doctors?  23 A. I have insurance.  24 Q. And do you have insurance</p>



<p style="text-align: right;">Page 206</p> <p>1 through your wife?</p> <p>2 A. No. AmeriHealth Northeast.</p> <p>3 Q. So you pay for insurance?</p> <p>4 A. We have from the county,</p> <p>5 from the state.</p> <p>6 Q. Is this part of Obamacare?</p> <p>7 A. I don't know. I guess so.</p> <p>8 I don't know very much about it.</p> <p>9 Q. What is the name of your</p> <p>10 health insurer?</p> <p>11 A. AmeriHealth Northeast.</p> <p>12 Q. Where are they based?</p> <p>13 A. Somewhere in the northeast.</p> <p>14 I don't think I have the card. In</p> <p>15 Pennsylvania somewhere.</p> <p>16 Q. And how long have you had</p> <p>17 insurance with them?</p> <p>18 A. Since 2013 when I was</p> <p>19 admitted to the hospital with nervous</p> <p>20 breakdown.</p> <p>21 Q. Okay. I want to ask you</p> <p>22 about that.</p> <p>23 What happened? What</p> <p>24 precipitated going to the hospital?</p>	<p style="text-align: right;">Page 208</p> <p>1 difficult time.</p> <p>2 My wife had just had -- the</p> <p>3 year prior, in March of 2012, had a</p> <p>4 miscarriage, even though we were not in a</p> <p>5 position to have a child, but the</p> <p>6 physiologic clock was ticking. She's 44</p> <p>7 years old. And we're entering very</p> <p>8 uncharted territory by waiting. And we</p> <p>9 were concerned about that. And I think</p> <p>10 all the stress carried over to her. And</p> <p>11 in 2012, she miscarried.</p> <p>12 And then I was admitted to</p> <p>13 the hospital in 2013, March. When I got</p> <p>14 out of the hospital, she says I have a</p> <p>15 surprise for you, I'm pregnant. And then</p> <p>16 shortly after, she lost it for the second</p> <p>17 time. So my feeling is that she's been</p> <p>18 through all this.</p> <p>19 You know, I have been here</p> <p>20 all day talking to about my own</p> <p>21 individual stress and my ordeal and what</p> <p>22 I have been through. But let me tell</p> <p>23 you, she came along for the ride and she</p> <p>24 didn't sign up for this. And she thought</p>
<p style="text-align: right;">Page 207</p> <p>1 A. I think it was the make or</p> <p>2 break aspect of the six attempt limit</p> <p>3 rule. I think it was all or nothing.</p> <p>4 And I think that the pressure of studying</p> <p>5 for the boards just took it's toll on me.</p> <p>6 I was getting -- I wasn't</p> <p>7 sleeping. I was paranoid. I wasn't</p> <p>8 eating. I was -- really looking back,</p> <p>9 was delusional, I guess. I think I just</p> <p>10 got sick.</p> <p>11 Q. When did you start getting</p> <p>12 sick?</p> <p>13 A. So March 9th is when I went</p> <p>14 to the hospital. I think I was beginning</p> <p>15 to really decompensate several months</p> <p>16 before that.</p> <p>17 Q. Were you seeing a doctor</p> <p>18 leading up to that?</p> <p>19 A. Up to that point, I don't</p> <p>20 think I had any insurance. I didn't have</p> <p>21 any money.</p> <p>22 Q. No medication at that point?</p> <p>23 A. No, because I had no money.</p> <p>24 It just was a very dark time, a very</p>	<p style="text-align: right;">Page 209</p> <p>1 she was marrying a physician. And she</p> <p>2 didn't expect to be marrying someone that</p> <p>3 is scrounging now just to get by. And</p> <p>4 that's the truth.</p> <p>5 Q. So the way you've described</p> <p>6 it over a few months leading up to your</p> <p>7 hospitalization, you had trouble</p> <p>8 sleeping, you were paranoid, not eating,</p> <p>9 had some -- looking back, you said you</p> <p>10 were delusional.</p> <p>11 A. Yeah.</p> <p>12 Q. So was there a precipitating</p> <p>13 event, like did things get worse and</p> <p>14 worse and then you decided to go to the</p> <p>15 hospital one day or did you --</p> <p>16 A. I remember my brother came</p> <p>17 in from Jersey. My wife gave me an</p> <p>18 ultimatum. I thought that the people</p> <p>19 across the way were -- had CIA and FBI.</p> <p>20 There were trucks that were unusual that</p> <p>21 weren't usually there.</p> <p>22 I thought that the house was</p> <p>23 bugged. I thought that my wife was</p> <p>24 plotting against me and family was</p>



<p style="text-align: right;">Page 210</p> <p>1 plotting. You know, just stupid things  2 you look back now and I can't believe I  3 actually was thinking these things.  4 You know, the medication  5 does help, but this was my mind set at  6 the time. And I think it was the make or  7 break aspect of that test that I began  8 getting very -- I just began  9 decompensating and unravelling.  10 Q. So your wife gave you an  11 ultimatum. Your brother came to town.  12 A. Yeah, yeah, took me to the  13 emergency room.  14 Q. Did you voluntarily admit  15 yourself?  16 A. I did because, you know, I  17 had a wife that was ready to leave and --  18 Q. I meant as opposed to an  19 involuntary commitment.  20 A. It was voluntary.  21 Q. And you spent approximately  22 one week in the Pocono Medical Center, is  23 that --  24 A. Correct.</p>	<p style="text-align: right;">Page 212</p> <p>1 three weeks. And Dr. Husain I see every  2 month or every three weeks if it's  3 possible.  4 Q. So you see Husain once a  5 month?  6 A. Yeah. Once every three to  7 four weeks.  8 Q. When you say I see the  9 counselor --  10 A. Yeah. Wanita Taylor.  11 Q. Where is she?  12 A. She's in the same building.  13 Q. Is she --  14 A. She's in town.  15 Q. Is she part of the same  16 group?  17 A. Yes.  18 Q. Is this like the ReDCo or  19 something?  20 A. Yes.  21 Q. Same group as Garloff. What  22 is her qualifications?  23 A. She's an MS.  24 Q. Like a psychologist with a</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. Is that where you met Dr.  2 Garloff?  3 A. No. That was the aftercare  4 that they arranged upon the discharge of  5 the hospital admission.  6 Q. Did they start you on  7 lithium in the hospital?  8 A. Yes.  9 Q. And in your mind, is it the  10 lithium that kind of took you down from  11 delusional --  12 A. Breakdown?  13 Q. Yes.  14 A. Yeah. I think it helped. I  15 think it helped.  16 Q. Now --  17 A. I think it may have been  18 Depakote they were using in the hospital.  19 They may have switched to lithium. I'm  20 not certain about that.  21 Q. Your current treatment, how  22 often do you see Dr. Garloff -- excuse  23 me, Dr. Husain?  24 A. My counselor I see every</p>	<p style="text-align: right;">Page 213</p> <p>1 master's degree?  2 A. I think so. Yeah.  3 Q. And Dr. Hamidian, that was  4 just for the testing?  5 A. Yes.  6 Q. So your current treatment is  7 with Dr. Husain and Wanita Taylor.  8 A. Yes.  9 Q. I want to ask you some  10 questions about the six-attempt limit.  11 When you became aware of the six-attempt  12 limit? Do you know?  13 A. I can't tell you an exact  14 date. I don't remember. I know it was  15 probably months -- I found it from their  16 bulletin online. So I don't know when  17 they put that out.  18 Q. Take a look at Exhibit 11 in  19 the book.  20 A. (Witness complies with  21 request.)  22 Q. So there's two pages here.  23 They're announcements on two different  24 days, two different dates.</p>

<p style="text-align: right;">Page 214</p> <p>1 A. Yeah.</p> <p>2 Q. The first one, the page</p> <p>3 that's numbered NBME Katz 0218 has a --</p> <p>4 it says posted August 25, 2011.</p> <p>5 A. Okay.</p> <p>6 Q. So is it -- I'm asking you,</p> <p>7 does that refresh you about when you</p> <p>8 first saw this and became aware of a</p> <p>9 six-attempt limit?</p> <p>10 A. I don't recall. I really</p> <p>11 don't recall.</p> <p>12 Q. Take a look at Exhibit 17.</p> <p>13 A. (Witness complies with</p> <p>14 request.)</p> <p>15 Q. I think you have seen that</p> <p>16 before; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. So, Exhibit 17 on the page</p> <p>19 that's marked NBME Katz 0213 lists from</p> <p>20 the -- and this is a USMLE record. And</p> <p>21 it lists the times that you have</p> <p>22 registered for. It doesn't have the</p> <p>23 actual examination dates, but it has the</p> <p>24 dates -- your registration dates for the</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. So is it fair to say that</p> <p>2 when you registered for the USMLE Step 1</p> <p>3 on November 18th, 2011 -- do you see</p> <p>4 where I am?</p> <p>5 A. November 18th, 2011. Okay.</p> <p>6 Q. At that point, were you</p> <p>7 aware of the six-attempt limit?</p> <p>8 A. November 18th, 2011, I don't</p> <p>9 recall.</p> <p>10 Q. When you would register for</p> <p>11 Step 1 or for a step of the USMLE, you</p> <p>12 would see the USMLE bulletin online; is</p> <p>13 that right?</p> <p>14 A. I believe -- yeah, I think I</p> <p>15 was probably aware. Yeah.</p> <p>16 Q. So is it fair to say that</p> <p>17 once the six-attempt limit was announced</p> <p>18 by the USMLE, after that time you took</p> <p>19 Step 1 three more times?</p> <p>20 A. The thing you have to</p> <p>21 understand -- well, why don't you ask</p> <p>22 your question first before I intervene.</p> <p>23 Q. That's my question. We</p> <p>24 looked at this entry on the fourth line</p>
<p style="text-align: right;">Page 215</p> <p>1 different USMLE step tests that you</p> <p>2 registered for over the years.</p> <p>3 And if you look at the</p> <p>4 bottom, the very last entry shows a 2001</p> <p>5 date for Step 1.</p> <p>6 A. Right.</p> <p>7 Q. Does that make sense to you?</p> <p>8 Does that seem correct to you that you</p> <p>9 first took the USMLE either in late 2001</p> <p>10 or early 2002?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So moving toward the</p> <p>13 top of the page, moving up this list, the</p> <p>14 fourth entry that says, Step 1, and then</p> <p>15 it has dates December 1, 2011 to February</p> <p>16 29, 2012. And it shows a registration</p> <p>17 date November 18, 2011. Do you see that?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. And looking back at Exhibit</p> <p>20 11 for a second, you see that at least as</p> <p>21 early as August 25 of 2011 there was an</p> <p>22 announcement that there was a six-attempt</p> <p>23 limit being imposed.</p> <p>24 A. Yup.</p>	<p style="text-align: right;">Page 217</p> <p>1 of Exhibit 17.</p> <p>2 A. Of the score of 179, we're</p> <p>3 talking about.</p> <p>4 Q. Yes.</p> <p>5 A. Okay.</p> <p>6 Q. Score of 179. That that</p> <p>7 time of taking Step 1 and then if you go</p> <p>8 up two more lines, that there was -- you</p> <p>9 took Step 1 sometime in 2012 and got a</p> <p>10 185. And then you took Step 1 again, the</p> <p>11 last time, and got a 182?</p> <p>12 A. Mm-hmm.</p> <p>13 Q. So those three times of</p> <p>14 taking Step 1 were all after the</p> <p>15 six-attempt limit was announced and you</p> <p>16 became aware of it; is that fair?</p> <p>17 A. I don't know. What are you</p> <p>18 getting at? What is the ultimate --</p> <p>19 Q. I'm not -- I'm trying to</p> <p>20 establish a time line.</p> <p>21 A. Time line-wise, that's</p> <p>22 accurate. Do you want me to respond to</p> <p>23 that or --</p> <p>24 Q. Well, I want to ask you some</p>

<p style="text-align: right;">Page 218</p> <p>1 more questions, but if you have something  2 else you want to say, why don't you go  3 right ahead.  4 A. No. Why don't you continue  5 with your questions.  6 Q. In your proposed amended  7 complaint that we looked at earlier, you  8 talk right from the beginning of the  9 proposed amended complaint about an  10 administrative barrier. Do you remember  11 that?  12 A. Yes.  13 Q. Is the administrative  14 barrier that you are talking about the  15 six-attempt limit?  16 A. Yes.  17 Q. And you're -- again, I'm  18 going to describe it generally. And I'm  19 not trying to lead you to something if  20 you don't agree with me.  21 But in a general sense, you  22 say that the six-attempt limit  23 discriminates against you as a person  24 with a disability.</p>	<p style="text-align: right;">Page 220</p> <p>1 dyslexia and he presents documentation to  2 the NBME disability services area, okay,  3 do you agree with me that the NBME should  4 grant that -- assuming that the  5 documentation shows that he has dyslexia  6 and has been accommodated in college and  7 medical school that that individual  8 should also get accommodations taking the  9 USMLE?  10 A. Sure.  11 Q. And that individual who gets  12 accommodations on Step 1 of the USMLE  13 would then be subject to the six-attempt  14 limit; correct?  15 A. I'm losing you.  16 Q. So, an individual who asks  17 for accommodations on his first  18 registration for the USMLE because he has  19 dyslexia and he gets accommodations,  20 they're granted to him. You understand  21 that that person would then have six  22 attempts to pass Step 1 with the  23 accommodations that he has been given?  24 A. Why should he have any</p>
<p style="text-align: right;">Page 219</p> <p>1 A. Correct.  2 Q. Is that a fair  3 characterization?  4 A. Correct.  5 Q. So, I want to ask you a  6 question. Let's say we're talking about  7 today. And this is a hypothetical, not  8 about you. This is more of a  9 hypothetical about how this situation  10 operates today.  11 If a medical student who's  12 in medical school today signs up for the  13 USMLE Step 1, and let's say that  14 individual believes that he has dyslexia,  15 for example, and he requests  16 accommodations from the NBME. Okay, are  17 you with me?  18 A. Mm-hmm.  19 Q. And because he's always  20 gotten accommodations all through high  21 school and college, he gets  22 accommodations, and he goes to take the  23 USMLE and he asks for accommodations on  24 Step 1 first attempt because he has</p>	<p style="text-align: right;">Page 221</p> <p>1 accommodation? I mean, why should he  2 have any barrier in front of him? Strike  3 the accommodation part.  4 Why should that person have  5 any attempt limit if he is struggling  6 with a disability?  7 Q. Okay. This is what I was  8 trying to understand in your theory.  9 So, an individual who has a  10 documented disability, like dyslexia,  11 asks for accommodations and is granted  12 accommodations under the present system,  13 the way it works, would have six attempts  14 to pass the USMLE Step 1 with  15 accommodations. Okay?  16 Can you agree with me that's  17 the way it works?  18 A. That is currently the  19 administrative way it works and there's a  20 problem there.  21 Q. And for someone who signs up  22 for the USMLE for the first time and has  23 no disability at all and he's always  24 been, you know, had an easy time, breezes</p>

<p style="text-align: right;">Page 222</p> <p>1 through medical school, signs up for the  2 USMLE, that person has six attempts to  3 pass Step 1; right? Correct?  4 A. Yeah.  5 Q. So, do you agree with me  6 that the person who has dyslexia, who's  7 been granted say double time for the --  8 to take each step is on an even playing  9 field with the person who doesn't have a  10 disability, so that they both then can  11 have six attempts and they're both  12 expected to pass?  13 A. You're losing me somewhere.  14 I don't know the point you're trying to  15 make.  16 Q. Well, let me ask you this  17 way. You said that you think that the  18 person who has dyslexia shouldn't be  19 subject to any limit on the number of  20 attempts.  21 A. If he has a proven  22 documented disability.  23 Q. Okay. That's what I'm  24 trying to understand.</p>	<p style="text-align: right;">Page 224</p> <p>1 similar circumstance as a make or break  2 kind of scenario with her -- I think it  3 was podiatry student unlimited attempts  4 to pass her test. The judge granted  5 that.  6 So it's a legal precedent.  7 It's in the law. It's in the law  8 literature. It's not what I'm saying.  9 That's what is happening.  10 Q. So, just for the record, I  11 disagree with your reading of that. I  12 don't think that that's accurate, but we  13 don't have to argue that today. That's  14 not relevant to or necessary for  15 discussion today.  16 A. You're questioning my  17 interpretation of that?  18 Q. Yeah. I think it's an  19 incorrect interpretation. But again, we  20 don't have to argue about who is right or  21 who's wrong. We don't have to try to  22 resolve that right now.  23 I'm asking about your views  24 about the six-attempt limit.</p>
<p style="text-align: right;">Page 223</p> <p>1 So you think that people  2 without disabilities, it's okay to apply  3 a six-attempt limit?  4 A. Personally, I think it's --  5 I don't know what the motivation of the  6 USMLE organization is to implement this  7 rule. For the longest time, you could  8 take the exam as many times as you needed  9 until you passed.  10 I don't know what -- maybe  11 it would help me understand their point  12 of view as to why they implemented such a  13 policy.  14 Q. Just so I understand your  15 thinking, if a -- either you think that  16 there shouldn't be a limit at all for  17 anybody or if there is a limit, you'd  18 rather see it apply to people without  19 disabilities than people with  20 disabilities?  21 A. It's not me. It's a  22 precedent. Look at the Doe versus Samuel  23 Merritt University. The judge gave that  24 individual with an anxiety problem in a</p>	<p style="text-align: right;">Page 225</p> <p>1 A. Yeah. I don't understand  2 the principle behind it. I believe that  3 people with documented disabilities have  4 their own difficulties in life and trying  5 to stay on that level ground as people  6 who don't have disabilities.  7 And I think it's a barrier  8 to those people that struggle on a daily  9 basis. I think it blocks them. I think  10 it doesn't consider them. I think it's  11 inconsiderate. And I don't think it  12 pertains to people that have legitimate  13 problems. And because they have  14 succeeded in a certain level of academic  15 success, they have succeed because they  16 have compensated on some level. They've  17 worked harder.  18 One student may study three  19 hours. That student with a disability  20 has to study nine to 12 hours. They have  21 done things to try to get that  22 information in their head because they  23 can't do so the way a regular medical  24 student can sit there and process the</p>

<p style="text-align: right;">Page 226</p> <p>1 information. They have to figure out 2 strategies and ways to do that. 3 I make pictures because I 4 think in pictures. 5 Q. What if -- 6 A. You know, everybody has 7 developed their own strategy about how to 8 get information retained, absorbed and 9 retained. 10 Q. So it's not about -- in your 11 mind then, it's not about the type of 12 accommodation in terms of a timed exam. 13 Let's say they granted that 14 person with dyslexia unlimited time to 15 take the exam. 16 If they had unlimited time 17 to take the exam six times -- unlimited 18 to take the exam but a six-attempt limit, 19 you think that's still discriminates 20 against that person with a disability? 21 A. If they could take the exam 22 so there's no timing on the individual 23 exams, you're saying. 24 Q. I'm saying hypothetically.</p>	<p style="text-align: right;">Page 228</p> <p>1 are days where I don't shave for six or 2 seven days. I can't get myself together. 3 If it wasn't for the medication, I don't 4 know what state I would be in. 5 Q. But you do have medication 6 and it improves your functioning; right? 7 A. Yeah. But the law also 8 discusses that. And that -- and because 9 you're taking a medication to address a 10 disability does not necessarily mean that 11 that that is the band aid and the fix 12 all, because it isn't. It helps, but 13 it's not everything. 14 Q. So the appropriate 15 accommodation that you believe you should 16 get is no limit on number of attempts -- 17 A. Correct. 18 Q. -- is that right? 19 A. Correct. 20 Q. In addition to more time on 21 each attempt? 22 A. And a private room to take 23 the exam. 24 Q. That's what you are asking</p>
<p style="text-align: right;">Page 227</p> <p>1 I never heard of that, but I'm trying to 2 understand how far your belief about the 3 accommodations goes. 4 A. I really can't respond to 5 hypotheticals. I don't know. 6 My own personal opinion is 7 that it is a barrier. It blocks people 8 with disabilities. There should be no 9 such policy in place for a person that 10 struggles on a daily basis. 11 Q. Okay. Fair enough. 12 A. You also want to mention the 13 activities of daily living and how 14 that -- that Mr. Doane talks about the -- 15 affects your -- the term that they use -- 16 affects your -- 17 Q. A major life activity? 18 A. A major life activity. You 19 want to talk about a major life activity. 20 People with disabilities, they struggle 21 every day of their lives. Every day. 22 You know, there are days 23 that I can't even get out of bed. There 24 are days I can't even function. There</p>	<p style="text-align: right;">Page 229</p> <p>1 for? 2 A. Yes. 3 MR. SACKS: Let's take five 4 minutes. 5 - - - 6 (Whereupon, a brief recess 7 was taken.) 8 - - - 9 BY MR. SACKS: 10 Q. So, Mr. Katz, we're just 11 returning from a break. And off the 12 record, we had a discussion about the 13 fact that you wanted to read and sign. 14 So, here is the way we'll do 15 it. You let me know if this is 16 acceptable to you. 17 The court reporter will 18 complete the transcript and will send it 19 to me with a copy to you for read and 20 sign purposes. You'll have whatever the 21 appropriate amount of time is. I think 22 it's 30 days under the rule, I think, to 23 read and sign and make your changes on an 24 errata sheet. And you will send a copy</p>



<p style="text-align: right;">Page 230</p> <p>1 of that errata sheet to me as well as to 2 the court reporter. 3 A. Okay. 4 Q. What is the current status 5 of your communications with the State 6 Medical Board? 7 A. Nil. Nothing. 8 Q. When was the last time you 9 had some communications with the State 10 Medical Board? 11 A. It's when Charles Wiener 12 wrote the letter to them. It was 13 probably shortly prior to starting this 14 lawsuit. 15 Q. So, since this lawsuit has 16 gotten underway, you haven't had any 17 further communication with -- 18 A. Their last communication 19 with me was that they thought that if we 20 are successful in our appeal, that the 21 NBME will accommodate. And if they 22 don't, then I should get back in touch 23 with him. 24 Q. And what is the status of</p>	<p style="text-align: right;">Page 232</p> <p>1 the communicating is? 2 A. Nabina Sinha and Danielle 3 Keefer. 4 Q. Nabina, N-A-B-I -- 5 A. She's the trial attorney. 6 Q. N-A-B-I-N-A? 7 A. N-A-B-I-N-H-A [sic]. S-I, 8 N, like Nancy, H like Henry, and A like 9 apple. 10 And then Danielle Keefer, 11 K-E-E-F-E-R. She's the paralegal of 12 Nabina Sinha. 13 Q. So your understanding is, 14 it's an ongoing investigation? 15 A. Correct. 16 Q. But you don't have any more 17 specifics? 18 A. I don't. I'm sorry. 19 Q. They haven't given you 20 details? 21 A. No. 22 Q. Earlier you mentioned -- you 23 said something to the effect that the big 24 picture -- you used the term the big</p>
<p style="text-align: right;">Page 231</p> <p>1 your communications with the Department 2 of Justice? 3 A. I just spoke to Nabina Sinha 4 about three days ago. 5 Actually, no. What is 6 today? I think Friday of last week. 7 Q. And what is your 8 understanding of what, if anything, the 9 Department of Justice is doing? 10 A. I don't know. They are 11 giving me briefs that they're doing their 12 investigation, but they are not very 13 specific. 14 Q. When you say they're giving 15 me briefs, what do you mean? 16 A. That we're -- they're, 17 essentially, working on it, but they 18 don't give me details. 19 Q. Is that just orally that 20 they have said that? 21 A. Most of my communications 22 thus far with them have been oral through 23 telephone. Yes. 24 Q. And the individual with whom</p>	<p style="text-align: right;">Page 233</p> <p>1 picture is that you have executive 2 dysfunction. Did I get that right? 3 A. Mm-hmm. 4 Q. And in that, am I correct 5 that you're describing the same 6 constellation of symptoms that you have 7 had throughout your -- 8 A. Yes. 9 Q. So, the symptoms that you 10 have, you've had continuously for going 11 back 15 years give or take? 12 A. It states it in the exhibit 13 when I wrote my own statement to the NBME 14 back in 2005/2006. A lot of that 15 information is in there. 16 Q. So at that time and 17 continuing forward, it's always been, 18 more or less, the same? 19 A. The executive dysfunction? 20 Q. Yes. 21 A. Yeah, I would say it's -- 22 yeah. Pretty much. 23 There's certain ways I think 24 a person can try to deal with it. Like,</p>



<p style="text-align: right;">Page 234</p> <p>1 for instance, I have a basket that I put  2 my keys and my cell phone in and stuff  3 like that to kind of -- in the same  4 basket every day so I know where it is,  5 because I have a tendency of losing  6 things and forgetting where I put them.  7 Q. Okay. I'm looking now at  8 what you sent to us yesterday by e-mail,  9 which was your response to the  10 defendants' request for documents. And I  11 just want to make sure that I'm clear on  12 your responses.  13 With respect to experts, at  14 one point, approximately a month ago,  15 give or take, you supplied a fee  16 schedule.  17 A. Yes.  18 Q. In fact, you filed it with  19 something with the Court.  20 A. Yes.  21 Q. And it was a doctor named  22 Suruli [ph], I think?  23 A. Yes.  24 Q. Are you in touch with that</p>	<p style="text-align: right;">Page 236</p> <p>1 Q. And in terms of nonexpert  2 witnesses, is there anyone that you are  3 planning to have testify on your behalf  4 other than yourself?  5 If the case goes to trial,  6 is there any other person who would  7 testify for you other than you and other  8 than --  9 A. Likely Dr. Hamidian.  10 Q. So, you would have Dr.  11 Hamidian testify?  12 A. Possibly. Yeah.  13 She wrote the last report,  14 so she's responsible for last psychiatric  15 report. That's with the second amended  16 complaint at this time.  17 Q. What medical reports do you  18 have in your possession that have not  19 been filed as an exhibit with the Court?  20 Do you have medical reports  21 relating to the disabilities that you  22 claim to have that you have not filed  23 with the Court?  24 A. I think we better wait for</p>
<p style="text-align: right;">Page 235</p> <p>1 doctor about testifying in your case?  2 A. We've had a discussion.  3 Q. And is that all dependent  4 on --  5 A. This is work product. I  6 don't know if this is really something we  7 should be discussing.  8 Q. Well, I think it's a fair  9 question given your a pro se plaintiff.  10 A. Okay.  11 Q. So, is your -- hold on one  12 second.  13 Is your thought that you  14 would be able to hire her if there's some  15 sort of a ruling by the Court that  16 provides for payment somehow?  17 A. Yes.  18 Q. And so you haven't gotten  19 into the substance of the case or  20 anything like that with her yet. Is that  21 a fair statement?  22 A. She has the preamble. She  23 has the basic preamble, the short  24 abbreviated synopsis of the case.</p>	<p style="text-align: right;">Page 237</p> <p>1 the motion to be ruled upon before I  2 answer that question.  3 Q. So --  4 A. I'm not comfortable  5 answering that.  6 Q. So you're uncomfortable  7 saying whether you have additional  8 medical --  9 A. No, don't put words in my  10 mouth.  11 Q. I'm asking. I'm not trying  12 to put words in your mouth.  13 A. I'm just saying I think we  14 should wait for the Judge's ruling on  15 that matter. That's just my own feeling  16 about it.  17 This is a problem and issue  18 that is currently in the case that we  19 have. This issue needs to be ruled upon  20 by the Judge and then we can take it from  21 there.  22 Q. So, again, just so we're  23 clear, I'm not asking for you to disclose  24 the contents of anything right now</p>

<p style="text-align: right;">Page 238</p> <p>1 because you have objected to that with 2 the Court. 3 My question is, do you have 4 materials in your possession from medical 5 providers that relate to your 6 disabilities? Whether you think they're 7 helpful or not helpful is a different 8 question. 9 I'm asking, do you have 10 materials in your possession that you 11 have not produced to us because of your 12 objections? 13 A. The only documents that I 14 will tell you about is what is currently 15 accompanying the second amended complaint 16 as exhibits that you don't have yet. So 17 we have to wait for the Judge to rule on 18 the second amended complaint for those 19 accompanying exhibits to be released. 20 They're attached as exhibits. 21 Q. Now I'm confused. So I'm 22 going to ask you more. 23 Is there something you have 24 filed with the Court that I have not</p>	<p style="text-align: right;">Page 240</p> <p>1 case. 2 A. I believe I did send you the 3 documents that were three letters that 4 were written that you should have from 5 three medical doctors. 6 Q. Okay. 7 A. Do you have those? 8 Q. I'm not sure if we're 9 talking about the same things now. So 10 I'm not sure and I don't have those in 11 front of me. 12 A. I'll make sure you get them. 13 Q. So, is that what you said 14 you have filed under seal that you didn't 15 think I had or is there additional 16 material that you have filed under seal 17 with the Court that you are not willing 18 to send to me now? 19 A. No. You can have now. You 20 have it now. I have no problem. But I 21 don't know what the procedure is. I gave 22 it to the Judge's chambers and I don't 23 know what they do with it. 24 Q. So, we might as well leave</p>
<p style="text-align: right;">Page 239</p> <p>1 seen? 2 A. The only thing that has been 3 filed with the Court is the second 4 amended complaint, at least what I'm 5 referring to as the second amended 6 complaint with which you have. 7 Q. I have the second amended 8 complaint. 9 A. And the materials that have 10 been attached under seal that accompany 11 it. 12 Q. And so, those documents you 13 have not sent to me, is that what you are 14 saying? 15 A. I sent it to the Judge's 16 chambers. 17 Q. Okay. I was not clear on 18 that fact before just now that there are 19 documents that you have filed in court. 20 I understand that they're under seal. 21 Under seal tends to mean 22 it's not open to the public, but it 23 doesn't mean that it's not open to the 24 opponents of -- to your opponents in the</p>	<p style="text-align: right;">Page 241</p> <p>1 this on the record and let's see if I can 2 explain a little bit. 3 And I have not done this all 4 day of trying to explain things, but I 5 think this is an important point. 6 My understanding of filing 7 under seal is about confidentiality for 8 you in the lawsuit from the outside 9 world. 10 A. Okay. 11 Q. So that the outside world 12 shouldn't be able to go on the docket and 13 electronically click on something and 14 find something that is highly 15 confidential and shouldn't be open for 16 the public. 17 A. Okay. 18 Q. But again, my understanding 19 is that if you want to file something 20 under seal, you still have to send it to 21 us. 22 A. All right. 23 Q. That's my understanding. 24 A. No, I agree. But the Clerk</p>

<p style="text-align: right;">Page 242</p> <p>1 of Courts said that they would be issuing</p> <p>2 all this to you upon the Judge making the</p> <p>3 ruling on the second amended complaint.</p> <p>4 Q. Well, that's something I</p> <p>5 never heard before.</p> <p>6 A. So I need to check that</p> <p>7 point out, too. I'm not sure about that.</p> <p>8 Q. Okay. That's fine. We can</p> <p>9 leave that alone for now. That's fine.</p> <p>10 A. They said they would be the</p> <p>11 ones to take care of it. So I don't</p> <p>12 know.</p> <p>13 Q. So in the request for</p> <p>14 documents, for example, at Number 7, I</p> <p>15 asked you for all diagnostic reports,</p> <p>16 medical reports, physicians reports or</p> <p>17 other records or abstracts that relate</p> <p>18 in any way to your alleged disability or</p> <p>19 to your claim for damages.</p> <p>20 And you responded. You</p> <p>21 objected. And objected two paragraphs of</p> <p>22 objections.</p> <p>23 And then you said, "Based on</p> <p>24 the determination of the Court and</p>	<p style="text-align: right;">Page 244</p> <p>1 you are claiming in this action.</p> <p>2 And you said, "Some</p> <p>3 up-to-date special/economic damages have</p> <p>4 been submitted to the Court accompanying</p> <p>5 the second amended complaint currently</p> <p>6 awaiting ruling."</p> <p>7 A. Goes back to --</p> <p>8 Q. That's the same --</p> <p>9 A. Yeah. All the hospital and</p> <p>10 medical bill damages have been assessed</p> <p>11 to date from last week. I believe it was</p> <p>12 up until -- March 2013 up until last</p> <p>13 week, I believe it was.</p> <p>14 Q. And is that material</p> <p>15 submitted to the Court under seal?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 A. Now, I don't know what the</p> <p>19 rule is.</p> <p>20 Q. No. That's fair. If</p> <p>21 there's some --</p> <p>22 A. I have to check that.</p> <p>23 Q. -- confusion or</p> <p>24 misunderstanding, that's fine.</p>
<p style="text-align: right;">Page 243</p> <p>1 without waiving, plaintiff will produce</p> <p>2 relevant non-privileged documents that</p> <p>3 are responsive to this request on a</p> <p>4 rolling basis as they become available."</p> <p>5 A. Some things I don't have.</p> <p>6 Q. Okay. So, again, I'm asking</p> <p>7 for the things that you do have.</p> <p>8 A. Okay.</p> <p>9 Q. And subject to the Court</p> <p>10 ruling, you'll produce them.</p> <p>11 A. Sure.</p> <p>12 Q. Understood?</p> <p>13 A. Yup.</p> <p>14 Q. I asked you about documents,</p> <p>15 all your correspondence with the</p> <p>16 Department of Justice and their</p> <p>17 correspondence with you, any documents.</p> <p>18 And you said, here it is.</p> <p>19 And is that everything that you had?</p> <p>20 A. Yeah. Most of the</p> <p>21 communications have been telephone.</p> <p>22 Q. I asked you in request</p> <p>23 Number 14 for all documents relating</p> <p>24 or -- referring or relating to damages</p>	<p style="text-align: right;">Page 245</p> <p>1 A. So I certainly don't mean to</p> <p>2 hold it from you.</p> <p>3 Q. If I'm entitled to it, I'll</p> <p>4 get it.</p> <p>5 A. Yes.</p> <p>6 Q. And then you said something</p> <p>7 to the effect that -- well, exactly, not</p> <p>8 to the effect. You said, "Plaintiff will</p> <p>9 produce relevant non-privileged documents</p> <p>10 that are responsive to this request on a</p> <p>11 rolling basis as they become available."</p> <p>12 Does that just mean that</p> <p>13 you'll keep supplying --</p> <p>14 A. Future --</p> <p>15 Q. -- things you don't have</p> <p>16 now?</p> <p>17 A. Yeah. Also, I did it from</p> <p>18 March of 2013 up until last week. So I</p> <p>19 don't know about any --</p> <p>20 Q. Okay. I asked for your</p> <p>21 federal income tax returns. And you made</p> <p>22 an objection and said, "Subject to and</p> <p>23 without waiving the objection, plaintiff</p> <p>24 will produce relevant non-privileged</p>

<p style="text-align: right;">Page 246</p> <p>1 documents that are responsive to this  2 request on a rolling basis as they become  3 available."  4 A. Okay. So I was just  5 questioning why you want my income tax.  6 What does that do for you?  7 Q. Income taxes and W-2s are a  8 source of information about employers.  9 A. Okay.  10 Q. So I have asked you today  11 about your employers. And you have given  12 me information. And having the federal  13 income tax returns and the W-2s is a way  14 of crosschecking these things.  15 A. Now, for me to take each of  16 those income taxes and to photocopy them,  17 some of them I don't even have anymore  18 because we moved so much.  19 Can I just give you the face  20 sheet where the accountant did the  21 analysis comparison from my 2009/2010?  22 Can I give you just a breakdown?  23 Q. Are you talking about the  24 cost involved in making those copies? Is</p>	<p style="text-align: right;">Page 248</p> <p>1 income.  2 A. Right.  3 Q. Or no employment?  4 A. Correct.  5 Q. So, 2006 to 2011 was when  6 you had employment income. Is that why  7 you had income taxes?  8 A. Yes.  9 Q. I think that you told me  10 that your last employment was 2008.  11 A. Well, don't forget, I'm  12 married. So we filed jointly on a few  13 years. Do you know what I mean?  14 Q. I see.  15 A. So I don't know how you want  16 to tweeze that out.  17 Q. Yes. I'd like to see --  18 A. I'll send you my wife's W-2s  19 and whatever. I send you the W-2s and I  20 can send you the breakdowns of the way  21 the accountant did from year to year with  22 the deductions and everything.  23 Q. And does that show --  24 A. Shows everything.</p>
<p style="text-align: right;">Page 247</p> <p>1 that the difficulty?  2 A. No, I just think it's --  3 Q. Because you can do it but  4 scanning.  5 A. I was going to try to scan  6 them, but I'm talking about a box full of  7 materials. You are asking from as far  8 back as 2006; right?  9 Q. Right?  10 A. That's a lot of scanning.  11 Can I just give you the face sheets? The  12 accountant does a breakdown of all the  13 deductions and everything and then he  14 does a comparison from 2009 to 2010 50  15 2011.  16 Q. Let me ask you a question.  17 Have you filed federal income tax every  18 year?  19 A. Not for the past -- not  20 since 2011, I believe.  21 Q. So you haven't filed since  22 2011 --  23 A. No. There's no income.  24 Q. -- because there's no</p>	<p style="text-align: right;">Page 249</p> <p>1 Q. Okay.  2 A. But it's an abbreviated  3 version.  4 Q. Why don't we start with  5 that. And if I feel like we need --  6 A. That's fine.  7 Q. -- more, we'll readdress the  8 issue.  9 A. That's fine.  10 Q. And again, in Number 16 I  11 asked about documents relating to all  12 jobs you have held since 2006, including  13 W-2 forms. So the W-2 forms would be  14 included with those --  15 A. Yeah.  16 Q. -- income tax returns and  17 other information that identify the  18 employers as well?  19 A. Sure. Sure.  20 So, essentially, you want  21 the taxes and the work searches. Is that  22 what we --  23 Q. Well, earlier -- and I'll  24 get to that in a second because I don't</p>

<p style="text-align: right;">Page 250</p> <p>1 think I got there yet in my request.  2 In Number 17, I asked for  3 evaluations, performance reviews and  4 other written feedback you have received  5 at every job since 2006, both paid and  6 unpaid.  7 A. I don't really have  8 anything.  9 Q. So if the answer is -- you  10 said, "I will produce on a rolling  11 basis."  12 A. I could have something, but  13 I don't think there's anybody evaluating  14 me.  15 Q. If the answer is none,  16 that's fine.  17 A. Okay.  18 Q. But if you have anything,  19 I'm asking for you --  20 A. I'll double-check that  21 point.  22 Q. The next one is what we were  23 talking about earlier. "If you are not  24 currently employed, provide copies of all</p>	<p style="text-align: right;">Page 252</p> <p>1 - - -  2 (Whereupon, Exhibit 19 was  3 marked for identification.)  4 - - -  5 (Whereupon, the deposition  6 concluded at 3:01 p.m.)  7 - - -  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>
<p style="text-align: right;">Page 251</p> <p>1 job applications and related  2 correspondence that document your  3 attempts to locate employment since your  4 last job."  5 A. Okay. I'll send you that  6 and I'll send you the taxes.  7 Q. That's it. Let me  8 double-check my notes.  9 A. You have the Pennsylvania  10 Commonwealth file that I sent you for the  11 local congressman.  12 Q. Yes.  13 A. You have all that.  14 Q. That's complete, also?  15 A. Pretty much. I didn't see  16 anything else in my e-mail archives.  17 MR. SACKS: I'm just going  18 to double-check my notes. We  19 might be done. Give me one  20 second.  21 Okay.  22 THE WITNESS: That's it?  23 MR. SACKS: All done. Thank  24 you.</p>	<p style="text-align: right;">Page 253</p> <p>1 C E R T I F I C A T E  2  3 I HEREBY CERTIFY that the  4 witness was duly sworn by me and that the  5 deposition is a true record of the  6 testimony given by the witness.  7  8  9 _____  10 Margaret Peoples, RPR  11 Dated: February 9, 2016  12  13  14  15  16  17  18  19 (The foregoing certification  20 of this transcript does not apply to any  21 reproduction of the same by any means,  22 unless under the direct control and/or  23 supervision of the certifying reporter.)  24</p>





Richard Katz, M.D., M.H.A.

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4	PAGE	LINE	CHANGE
5	72	23	got a C with exam accommodations.
6	142	9	I never applied for accommodations on MCAT
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8			encompassing of all accommodations received.
9	145	21	Yeah but if you read .....
10	148	2	Registration instead of accommodations
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Richard Katz, M.D., M.H.A.

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1 ACKNOWLEDGMENT OF DEPONENT

2

3 I, Richard Katz, do  
4 hereby certify that I have read the  
5 foregoing pages, 1-256 and that the  
6 same is a correct transcription of the  
7 answers given by me to the questions  
8 therein propounded, except for the  
9 corrections or changes in form or  
10 substance, if any, noted in the attached  
11 Errata Sheet.

12

13 DATE

Richard Katz  
3-28-16

14

15 Subscribed and sworn to before me this

16 28<sup>th</sup> day of March,

17 2016.

18 My commission expires: 7-1-16

19

20

Deborah A. Rath

21

22 Notary Public

23

24

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

DEBORAH A. RATH, Notary Public  
Mount Pocono Boro., Monroe County  
My Commission Expires July 1, 2016